Mikhail Vyshinsky

Southern Africa:

Apartheid
Colonialism
Aggression

Mikhail Vyshinsky, b. 1932, Merited Jurist of the Russian Federation, a long-time participant in the movement of solidarity with the peoples of Asia and Africa in their struggle for national independence, author of many publications in the Soviet and foreign press on the legal aspects of the anti-colonial struggle. Took part in investigations of US war crimes in Vietnam, Member of the International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa.

His active participation in the Afro-Asian solidarity movement, his frequent visits and stay in the front line states, his direct appreciation of the events and facts, and his personal encounters with victims of racism and apartheid have enabled him to produce a vivid and motivated account of the inhumanity and misdeeds of the racist regime in South Africa, and to judge them in terms of international law.

Mikhail Vyshinsky poses incisive questions and endeavours to produce answers to them:

Is the racist and apartheid regime lawful and what is the worth of thousands of racist clauses, articles and chapters that the white rulers in Pretoria have produced to constrain the African majority in South Africa as no other people has ever been constrained?

On whose side is modern international law — that of the imperialists, colonialists and racists or that of SWAPO, ANC, and other national liberation movements fighting for self-determination, independence, and freedom ?

Why, despite its limited resources, is the racist regime in Pretoria able to carry on, flouting law and morality, and defying the active protests of the international community of states and of progressives all over the world?

What must all people of goodwill do to bring the culprits and accomplices of racist crimes to book, so that the restrictive force of international law may be applied against them?

Progress Publishers

Dedicated to the heroic fighters for the freedom of the peoples of Southern Africa

Translated from the Russian by *Vic Schneierson*
(with the obvious exception of the witness accounts and annexes)

Designed by *Nikolai Ivanov*

М. П. Вышинский

ЮГ АФРИКИ: АПАРТЕИД,
КОЛОНИАЛИЗМ, АГРЕССИЯ

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Moscow

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Preface

The public in the countries that maintain diplomatic, economic and other ties with the apartheid regime have at no time been acquainted by their leaderships with the criminal realities in South Africa.

The apartheid regime imposed an almost air-tight censorship on all information concerning the people's struggle in South Africa and the police repressions, loosened against them after the proclamation of emergency in South Africa on June 12, 1986.

In the circumstances, we can only welcome the new edition of Mikhail Vyshinsky's fine book, and the decision of the Soviet Afro-Asian Solidarity Committee to publish it in English, French and Portuguese. A distinguished member of the International Commission of Inquiry, this prominent Soviet lawyer participated in its Luanda session.

The non-governmental International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa engages in investigating and studying established facts and evidence in the context of international law with the basic aim of informing the world public of the criminal nature of apartheid and the penal responsibility the regime in Pretoria and its accomplices bear before the world community of nations.

The founding of the Commission is associated with the dramatic events in Soweto in June 1976 and the anger that gripped the world public over the massacre of black schoolchildren and teenagers who held demonstrations to protest against the racist educational system.

The idea of forming the Commission belonged to a group of jurists of diverse political views and different countries who had gathered in Addis Ababa in October 1976 at an international conference of solidarity with the people of South Africa under the auspices of the Afro-Asian Peoples' Solidarity Organisation. A few months later the project was put into effect at a broad conference

of jurists at UNESCO headquarters in Paris. They decided to establish a juridical organisation with non-governmental status: International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa.

The purpose of the Commission was to fill the gap in international law concerning penal cases or, still more specifically, to make good the absence of international criminal jurisdiction competent in dealing with culprits of these crimes against humanity.

At the time of founding of the non-governmental Commission most states had already recognised apartheid as a heinous crime. Ever since 1966, the UN General Assembly has qualified apartheid and like practices of racial discrimination as a "crime against humanity" (Res. 2202/XXI). This definition is repeated at each successive General Assembly session. The next step taken by the General Assembly on the juridical plane was to adopt the International Convention on the Suppression and Punishment of the Crime of Apartheid of November 30, 1973. Circulated among states for ratification, the Convention went into effect on July 20, 1976, upon the submission of the twentieth ratification instrument. Accordingly, persons accused of any of the inhuman acts qualified in Art. II as crimes of apartheid, may be tried by the competent tribunal of any state party to the Convention or by an international penal tribunal that may eventually be constituted.

None of the Western countries has acceded to the Convention, which has by now been signed by more than eighty states. Hence the need for the non-governmental initiative which addresses itself chiefly to the public in countries where no measures are being taken by the authorities to inform people that racism and apartheid as practised in South Africa are in the eyes of international law crimes that compare in gravity to those committed by Nazism in Europe.

The name of the body (International Commission of Inquiry), its membership and its objectives show clearly that it is not intended to do the work of governments, though it does serve as a "tribunal" that passes sentences, even if symbolical. The jurists who formed it wanted to create an independent body of persons whose competence, integrity and impartiality had been broadly enough acknowledged internationally, for them to proceed

with authority in determining guilt for acts committed by the apartheid regime in contravention of the fundamental standards of international law.

The Commission is headed by Sean MacBride, a personality known all over the world, a man who was Foreign Minister of Ireland, who performed the functions of UN Commissioner for Namibia, and is simultaneously winner of the Lenin and Nobel peace prizes.

At the time of writing the Commission numbered more than thirty members, most of them jurists, but also people from other walks of life—religious leaders, actors, and writers. They belong to different political currents and come from different regions of the world: Africa, Asia, Eastern and Western Europe, and the Americas. All of them are known to be dedicated to the ideas of peace, progress, and justice.

The most conspicuous functions of the Commission have been its two plenary sessions—the first in 1979 in Belgium (Brussels), a Western country maintaining diplomatic and other relations with the apartheid regime. Belgian non-governmental organisations supported the session, while the government ignored it and the mass media failed to pay it the attention it merited.

The session was highlighted by the presence of, and the submission of evidence by, witnesses who were victims of the inhuman repressive policies of the racist regime—people who came from southern Africa as members of important delegations some of which represented liberation movements, such as the ANC, SWAPO, the Patriotic Front, and the ZANU-PF, while others represented Mozambique and Angola, the states in the region which suffered the most from the aggressive policy of South Africa.

The Commission's second session gathered in Luanda, the capital of the People's Republic of Angola, one of the front line states of southern Africa. Their gathering in a country that is continually harassed by South Africa and that has given asylum to the liberation movements of South Africa and Namibia, enabled members of the Commission to see at first hand the dedicated and tangible solidarity of the people and government of Angola in defending freedom against oppression, and also the reality of that which is the very concern of the Commission: the crimes

committed by the Pretoria regime against the peoples of southern Africa.

The Commission has published the full proceedings of its second session, and has likewise sent several fact-finding missions to various sites of crime and to flashpoints of attack and interviewed numerous witnesses from among Angolan civilians and among refugees. The missions gathered incontrovertible material and documentary evidence showing that the aggressor had deliberately chosen essentially civilian targets, picking out those segments of the population and those socio-economic structures that are indispensable for all normal life, with both the South African army and the subversive forces operating in the framework of the apartheid regime's military strategy in Angola and Mozambique resorting to criminal methods of warfare.

The findings of the missions in the Angolan provinces of Cunene and Huila were published by the UN Centre Against Apartheid, which also circulated the conclusions of both plenary sessions.

Today the Commission bears a considerably greater responsibility in face of the monstrous repressions loosened on the people of South Africa as a consequence of the popular rising in the autumn of 1984. It is also confronted by the continuing unlawful occupation of Namibia and an intensification of the apartheid regime's aggressive policy, encouraged by the diplomatic moves of the Reagan administration, such as its avowed "constructive engagement" and "linkage" policies, and the more recent US Congress resolution that in 1985 abolished the Clark amendment which prohibited all aid to UNITA.

Certainly, the criminal nature of the apartheid regime is now known all over the world after the demonstration of its deadly brutality on television screens. Public opinion in the Western countries, notably the United States, has been exerting very strong pressure in favour of economic sanctions.

The publication of this work will help the public to step up common efforts to thwart crimes committed by the racist regime and its accomplices. Vyshinsky's active involvement in the work of the Commission continues the tradition initiated by the late Professor Poltorak, the Soviet jurist who had jointly with Duma Nokwe, a former South African lawyer and member of the African National Congress leadership, placed his extraordinary know-

ledge of international law at the service of the Commission in its initial phase and in working out its Charter.

Mr. Vyshinsky's membership also speaks of his country's unfailing commitment to the legitimate struggle of the liberation movements in southern Africa to end the brutal and aggressive racist regime and to reestablish peace in the region.

Paulette Pierson-Mathy,
Secretary-General of the Commission

Brussels, October 1986

SOLIDARITY IS AN IMPERATIVE
(In Lieu of Introduction)

Marcus Aurelius, Roman emperor and eminent antique philosopher, said man is endowed with the striving to care for others, for their wellbeing and good. If that was true in his time, it is doubly true, and objectively necessary, today.

For ages, there had been none of the links between people that exist in the modern-day world. For ages, nations lived mainly by nothing but their own concerns. World history was a motley cumulation of the local histories of separate countries and peoples. As Marx put it, it lacked the character of world history.* Not until cooperation in production appeared on a worldwide scale, not until there was global division of labour, a worldwide commodity market, the kind of transport and communications that exists today, not until then did history really become worldwide in character and image. The life of humanity, for all its disparities, became indivisible and interdependent. The new realities knitted it as closely as never before. And not only because the radio, television and telephone made it possible to at once learn of events occurring at some other end of the world, and to become their involuntary participant. But also because the interest and influence of millions of people increased in whatever events occurred, and in their outcome wherever they occurred. Yes, the economic, political, social and spiritual development of humanity is increasingly becoming global in nature, and hence entails many problems.

To begin with, there is the right to life. If the stockpiles of thermonuclear weapons are not destroyed and their manufacture is not stopped before the end of the current century, a most awesome and irremediable calamity may befall us: searing atomic flames on earth and in outer space, deadly radiation and the

* Karl Marx, "Economic Manuscripts of 1857-58", Karl Marx, Frederick Engels, *Collected Works,* Vol. 28, Progress Publishers, Moscow, 1986, p. 46.

piercing cold of the "nuclear winter" will then inevitably engulf the whole world and do away with the human race.

Atomic war is not winnable. Its flames will consume all life, and it has got to be combatted before it ever begins. An appreciation of this has roused to life the movement of peace fighters, fighters to avert a nuclear war and to abolish nuclear arms. Public opinion as a factor of safeguarding peace has grown immensely. The peoples are no longer silent. Their actions for peace are gaining ever greater social sweep, organisation, and vigour.

Among the most acute general issues facing humanity is that of respect for the right of the peoples to shape their life as they see fit, the right to make their own social and economic options without outside interference, the right to have their own state and to have their own inviolable and integral territory, the right to cooperate with other peoples on an equal footing and faithfully fulfil their commitments and pledges without resort to threat or use of force, respecting human rights and the basic freedoms for all without distinction as to race, sex, language or religion.

Those are the inalienable rights of each and every people, and of all the peoples together. Nowadays, they are entrenched most definitively in the Charter of the United Nations, that foremost international legal act of civilised humanity, and in many other acts of the world community of nations. All these instruments are the groundwork for the system of rules of conduct that cumulatively constitute international law and are unconditionally mandatory and peremptory (*jus cogens*) for all.

Not all, however, are willing to recognise these sacred rights. More, there are forces that lay claim to the right of deciding what way the peoples must choose for themselves and how they are to live. They subject nations that disagree with them to powerful outside pressures. The latter are denied their right to self-determination or are driven into billion-dollar debt. Navies sail to their shores. Their territorial waters are mined. Missiles with laser homing devices are fired and bombs dropped on sleeping children, men and women. Hordes of mercenaries are set on them, to over-run and kill, to trample upon their national dignity and state sovereignty, employing aggression, genocide, apartheid, terrorism, racial discrimination and other criminal instruments.

Can decent people the world over remain indifferent to these acts of obdurate egoism, abuse and lawlessness? Certainly not.

And so, movements of anti-imperialist and anti-colonial solidarity with the Asian, African and Latin American peoples have sprung up to back their fight for the right to run their lives as they see fit. Their participants on all continents have repudiated the old logic of "if I am free, the freedom of others is of no concern to me". On the contrary, they deeply believe that as long as any people is unfree, as long as any people is exposed to violence, no people, no nation, no country can feel free. And they respond to pain, to all appeals, not only with compassion but with tangible assistance to the struggle of the oppressed peoples—with tangible assistance in word and deed, in materials and funds.

It is always hard to believe that anyone can commit a horrid and abominable crime. And still harder to believe in crimes committed by states. But facts are facts. The events in Lebanon, Nicaragua, Grenada, and Libya have aroused the ire of all decent people. All of us know the chief instigator and organiser of the hideous crimes perpetrated against their peoples—it is the United States. While the perpetrator of the wildest and most hideous wrongdoings committed against the peoples of Namibia, Angola, Mozambique and the other countries of southern Africa is another state—the Republic of South Africa.

That state dates back to 1652, when the Dutch East India Company set up a stopover and provender station near the Cape of Good Hope for ships sailing from Europe to Asia. At its head was Jan van Riebeeck, a lowly clerk of the Company banished to Africa for corruption and other wrongdoings, though today his portrait is prominent on coins and banknotes put out in South Africa. The expedition numbered about ninety people. These first settlers lost no time to deal with the Khoikoi, the native population in the usual cavalier fashion—cheating, using force and blandishments. "This we did," Jan van Riebeeck reported to the Company, "to make them less shy, so as to find hereafter a better opportunity to seize them—1,100 or 1,200 in number and about 600 cattle, the best in the whole country."*

This policy of enslavement and plunder was carried on by all the subsequent generations of white colonists after van Riebeeck. By 1711, the burghers, numbering 1,756, owned 1,781 slaves. By

* A. Lerumo, *Fifty Fighting Years. The Communist Party of South Africa, 1921-1971*, Ikululeko Publications, London, 1971, p. 4.

1778, "the census indicated 11,107 burgher-owned slaves, but these figures are certainly understatements".*

The fierce resistance of the Africans could neither stem the influx of white settlers nor their expansion inland. On captured land the white colonists founded independent states—Natal, Transvaal and the Orange Free State.

In the 19th century, British colonialists started a series of wars to seize control of the whole region, including two independent Boer republics, the Transvaal and the Orange Free State. The Boer war that erupted in 1899 culminated in 1902 in the signing of the Treaty of Vereeniging, which entrenched British rule over the Boer republics. In 1910 they were incorporated in the Union of South Africa, a British dominion. In 1961, following a referendum held for whites only, the country was proclaimed the Republic of South Africa with its capital in Pretoria.

But the replacement of the word "republic" for "union" in the name of the state of white colonists did not turn the country into a "thing of the people".**

On the contrary, in the Republic of South Africa everything—state power, the right to elect and be elected, the right to make and apply laws, the country's riches, and all the offices—remained in the possession of the country's white minority. Only one thing changed: if early in the colonial period there had been approximately one black slave to every white settler, practically the entire non-white population of the country found itself in slavery by the day the republic was proclaimed. And the instrument that denied the non-white population all human and civil rights was apartheid, that loathsome blend of the latest varieties of Nazism, racial colonial inhumanity, and legislatively enshrined privileges of whites. It is needless to recount here the fanatical perseverance and cynical contempt for the ideals of humanity and law, that marked the establishment of apartheid. The reader will find that in the book itself. All that need be said is that apartheid was meant to deepen the abyss between the non-white "slaves" and the white "masters" and, indeed, to perpetuate the oppression, the

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* Ibid., p. 5.

** The Latin word for republic is "respublica", with *res* meaning "thing" and *publica* meaning "the people". It denotes that power in a republic belongs to all its citizens.

lack of rights and the lawlessness to which the non-white peoples of South Africa are subjected.

But that is not the only thing that makes the situation in southern Africa so tragic. I have not seen with my own eyes the flame-red flashes emitted by the guns of the USS *New Jersey* as it fired on Lebanese towns, or the missiles exploding on Libyan soil, or the Nicaraguan "contras" and Israeli invaders. But I did take part in investigating the crimes of the US aggressors in Vietnam and have seen the papers and findings of the International Public Tribunal that tried the racist Verwoerd, who was then Prime Minister of the RSA, in the early 1960s on behalf of all decent people on earth. And in early 1981 I witnessed the interrogation of the South African mercenaries of the Buffalo Battalion, which is still sowing carnage in southern Africa. I saw the bleeding wounds of the divided world with my own eyes. I saw napalm-scorched land, I saw people deprived of their country. I saw the violated borders of states neighbouring on South Africa, and I herewith declare: the ruling racist clique of the white minority is using the South African state in quite the same way as the Nazis used the German state—as an instrument of crime against peaceful peoples and against world peace.

The neighbouring peoples experienced the oppressive strength of the racist regime back in the times when Pretoria was a most active accomplice of fascist Portugal and imperialist Britain in defending their colonial possessions in the southern part of Africa in the 1960s and 1970s.

But all the effort that had gone into that proved in vain. The colonial chains that had only recently seemed inviolable, were smashed by the peoples of southern Africa. Their triumphant struggle, backed by progressives all over the world, by the international labour movement and the socialist community of states, was crowned with freedom. Angola, Mozambique, Guinea-Bissau, Zimbabwe and Botswana became independent countries and embarked on building a new life. But they were at once subjected to ferocious attacks by the racist Pretoria regime.

Nothing can be more monstrous than armed force, and nothing more criminal than aggressive war. Yet that is the crime that the racist regime committed. For more than ten years, the peoples of Angola, Mozambique, Botswana, Lesotho, and Zimbabwe have not had a minute's respite. Their national sovereignty, territorial

inviolability and integrity, their peaceful life and freedom, are in constant peril. The criminal warfare that is being ceaselessly waged against them spares neither home nor life on their territory. The reader will find factual proof of this, and its juridical qualification, between the covers of this book.

Force is wilfully practised in the south of the black continent by the armed forces of the RSA, and also by those whom the RSA hires for that purpose. And the acts perpetrated by counter-revolutionary mercenaries are portrayed as acts of civil war and as tokens that the order there is unstable. But though the culprits of the counter-revolutionary actions call themselves in different ways—the National Union for the Total Liberation of Angola (UNITA), and the Mozambique National Resistance (MNR) —their acts of sabotage and diversion, their brigandage, killings and ravages, are planned and directed by the Pretoria regime jointly with the CIA of the United States.

Nor is the complicity of the USA and other Western powers confined to just this. That the people of Namibia are still languishing in colonial fetters is not the fault of South Africa alone, but also that of the United States and certain other Western powers.

In the camps of Namibian refugees I saw a whole people that was driven out of its homes because closed military areas were set up, and strategic roads and uranium and diamond mines were built there. The owners are in the USA, Britain, West Germany, France and other Western countries, while the banished people had nothing left to them but to move out.

The evaluation of all these acts is juridically unambiguous. An international crime is being perpetrated in southern Africa. And this for a long time. The crime is really a plurality of crimes. In January and February of 1981, I took part in the work of the International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa along with Sean MacBride, Nobel Peace Prize and Lenin Peace Prize winner and former Minister for Foreign Affairs of Ireland, former US Secretary of Justice Ramsey Clark, a Sri Lanka lawyer Jaya Pathirana, Paulette Pierson-Mathy, senior lecturer at the Law Department of the University of Brussels, the Rt. Rev. Richard James Wood, Bishop of the Anglican Church, and many other prominent jurists and public leaders from 28 countries of Europe, Asia, Africa, and North and South America. The Commission gathered in Luanda,

the capital of the People's Republic of Angola. Its members heard reports of governmental and non-governmental agencies, the findings of experts and the evidence of witnesses, examined exhibits, and thereupon visited the sites of some of the wrongdoings.*

My participation in the painstaking and thorough examination of the circumstances, and my personal apprehension of the evidence of the criminal wrongdoings of the racist regime of South Africa have led me and all the other members of the Commission to one clear conclusion: the Republic of South Africa today is a state of racial slavery, a colonialist state, an aggressor state. Most actively abetted by the Western imperialist powers, it is striving at any price to keep whole peoples in racist colonial slavery.

I cannot keep silent.

Acting on their own, people are weak; united by a sense of solidarity, they are a tremendous force. Solidarity is communion for the sake of attaining humane aims—asserting rule of law, freedom and peace among nations. Prompted by this sense of solidarity, I wrote this book.

As I address the foreign reader, I am deeply aware that the facts in the book are not complete and that their presentation may have been better. But the book is out, it has reached the reader. I can change nothing now, and take solace in the fact that an act, even if not without flaws, taken in favour of the rule of law, freedom and peace, is preferable to inactive contemplation.

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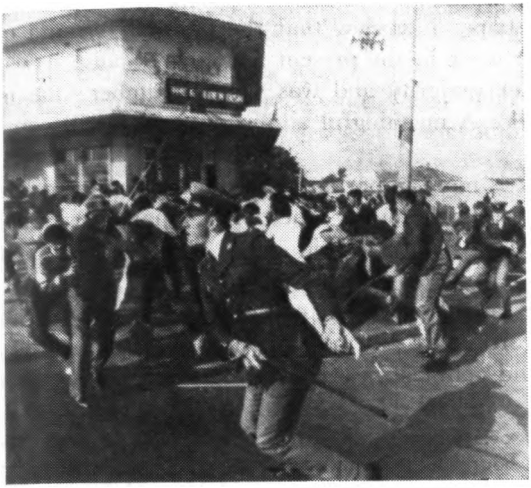
* See Annexes for the complete list of members of the International Commission of Inquiry, the Charter of the Commission, and other material.

Chapter 1

SOUTH AFRICA— A STATE OF APARTHEID



Crime Number One

As Inhuman as Murder

No Equality Between White and Black in Church or State

Their Programme Is to Suppress or Destroy

"These Freedoms We Will Fight for, Side by Side,
Throughout Our Lives,
Until We Have Won Our Liberty"

You Cannot Make Evil Less Evil

Poised for War Against Everybody

CRIME NUMBER ONE

A few years ago, Gerritt Viljoen, former chief of the all-powerful Broederbond* and pillar of the racist regime in South Africa, admitted in a newspaper interview that the original formula of apartheid could not work in the present situation because it was rejected by the black majority and was Crime Number One in the eyes of the world. A meaningful admission, and I will come back to it later.

At the moment it is more important to produce a more or less exhaustive answer to the following questions: What is criminal about apartheid? How did apartheid come about? How is it evolving? How will it end?

In Afrikaans, the language of part of the European settlers in South Africa, the word apartheid means apartness or segregation. It acquired social and political meaning during the RSA elections

* Broederbond (Association of Brothers) is a secret fascist organisation of the Afrikaner bourgeoisie founded in 1918 and expounding the ideals of absolute white supremacy. In 1944, Field Marshal Jan Smuts, then Prime Minister of South Africa and an inveterate racist, identified the Broederbond with the Gestapo and called it "a dangerous and treacherous organisation". The Broederbond is the power behind the policy of the Nationalist Party, which has been in office since 1948. Branches of the Broederbond are active in all parts of the country. Nearly all prime ministers and high-ranking government officials, as well as most top-ranking Nationalist Party functionaries, are Broederbond members. At present, we learn from the South African press, an Afrikaner cultural organisation has been established to countervail the Broederbond. It sprang up in a climate of ultra-chauvinism when white South Africans were terror-striken over the prospect of apartheid being relaxed. Unlike the Broederbond, the new organisation is not secret, and is open to all Afrikaners, male and female, young and old. Active in building up the new organisation are Andries Treurnicht, leader of the Conservative Party that split away from the Nationalist Party, and Jaap Marais, chief of the Herstigte Nasionale Party. Both are out to topple President Pieter Botha and to go back to "pure" apartheid which, as they see it, had been betrayed by the now ruling Nationalist Party as the Afrikaner "ideals" were betrayed by its "reforms". The Associated Press reported from Krügersdorp that on March 8, 1986, Treurnicht warned that there was "a movement in South Africa that won't be stopped, a movement against reform that we do not want".

Among the leaders of the Broederbond of today is Terre-Blanche of the neo-Nazi Afrikaner Resistance Movement that has espoused the methods and ideology of the Nazi Third Reich.

of 1948, when it stood for the Nationalist Party's slogan of separate development for racial groups.

In abstract terms, apartheid meant that the racial groups—more than 25 million Africans, some 4.6 million whites, 2.6 million coloureds, and 0.8 million Asians—would each go their own way under the "gracious leadership of the white minority".

The seemingly innocuous word "apartheid" and the agreeable sound of the expression "gracious leadership" are highly deceptive. Their meaning is not as harmless as it sounds. This was demonstrated to the world long before the official introduction of the apartheid policy.

Cecil Rhodes, financier and colonialist who applied imperialist policy with the greatest brutality and whose name was once given by an act of British Parliament to the land between the rivers Limpopo and Zambezi (Southern Rhodesia), said of Africans back in 1877 that whites must remain their masters. That, he said, was his policy, and would be that of South Africa.

A little over half a century ago, Jan Smuts, Prime Minister of the Union of South Africa, maintained there was one thing all South Africans, excepting madmen, agreed upon, and that was the ideal to make it (South Africa) a white man's country. Initiator of apartheid and proponent of the master race idea, Hendrik F. Verwoerd, was no less conclusive: in the simplest terms, he said, apartheid means South Africa stays white. He amplified: to keep it white means just one thing, namely, white supremacy; not leadership, not guidance, but complete control and supremacy.

Also worth citing is this admission of Balthazar Vorster, another former RSA Prime Minister. "We stand for Christian nationalism," he said, "which is an ally of national socialism. You can call this anti-democratic principle dictatorship if you wish. In Italy it is called fascism, in Germany national socialism, and in South Africa Christian nationalism."*

* Vorster did not shrink from the words "fascism" and "national socialism". All his life he was proud of having translated Hitler's *Mein Kampf* into Afrikaans, for which the government of the Union of South Africa, which was on Britain's side against Hitler Germany, interned him as an active exponent of Nazism during World War II. It seemed that the career of the South African racist would end in the Koffiefontein internment camp. But not so. After the Nationalist Party came to power he became Prime Minister and made the second largest contribution (after Verwoerd) to apartheid.

I could, of course, be reproached for over-quoting the stalwarts of the Pretoria regime. But behind the quotes is the tragic history of southern Africa. The white colonialists' striving for absolute supremacy is the most conspicuous feature of the four centuries of colonialism in the south of the continent. The racists' utterances make it apparent, too, that the crime of apartheid is not accidental but deliberate. And like all deliberate crimes, it was first conceptualised, then weighed, then prepared, and finally introduced in practice. To be sure, the quoted "revelations" also point to the racist ideology underlying the regime.

Racism is one of the oldest theories corrupting the consciousness of the masses, and also the most reactionary tool furthering colonialism and imperialism. It is based on the scientifically false, morally reprehensible, and socially unjust idea of dividing people into superior and inferior races, with the former "ordained" to be masters and the latter slaves. The International Convention on the Elimination of All Forms of Racial Discrimination (1965) condemns racism and declares an offense punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.

The International Military Tribunal in Nuremberg condemned the racist Nazi crimes. But racists failed to draw the due lessons. Zionism, like Nazism was in the Third Reich, is an official doctrine of brigandage and endless military ventures practised by the ruling circles of Israel. And the Republic of South Africa is at present the citadel of the no less criminal apartheid or racial segregation.

What is the criminal essence of "separate development" as a particular case of racist practice? It was denounced as a crime by the international community on the strength of countless evidence as far back as 1973 in the specially adopted International Convention on the Suppression and Punishment of the Crime of Apartheid.

In the Convention the term "crime of apartheid", which includes the policies and practices of racial segregation and discrimination as practised in southern Africa, is applied to "inhuman acts committed for the purpose of establishing and maintaining domi-

nation by one racial group of persons over any other racial group of persons and systematically oppressing them".

The Convention says the crime of apartheid is committed in many ways, and particularly by denying to a member or members of a racial group or groups the right to life and liberty of person; killing members of such groups; inflicting upon them serious bodily or mental harm through torture or inhuman treatment or punishment; arbitrary arresting and illegal imprisonment, or adoption of legislative and other measures calculated to prevent or substantially restrict participation of any racial group in the country's political, social, economic and cultural life, or deliberately creating conditions preventing the full development of such groups by, say, denying basic human rights and freedoms to members of racial groups, including the right to work and to form recognised trade unions, to education, to freedom of peaceful assembly and association, the right to movement and residence by isolating them in specially assigned territories.

These acts are an insult to the conscience of humankind and hinder friendly and peaceful relations among peoples. More, as it is said in the preamble to the Convention, they "seriously disturb and threaten international peace and security". This is the reason why international law has categorically outlawed apartheid and established criminal responsibility (Convention, Art. III) for the commission of these acts, irrespective of the motive involved. Such international criminal responsibility shall, under the Convention, apply to individuals, members of organisations and institutions, and representatives of the state, who commit, participate in, directly incite or conspire in the commission of these acts, whether they reside in the state where the acts are perpetrated or in some other state. These persons may not be granted political asylum in other countries and are subject to extradition as common criminals.

The apartheid practised in South Africa also contains elements of genocide.*

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* Genocide (*genos*—race + *cide*—killing)—literally, extermination of the race. The international community produced this neologism, which may also be interpreted to mean "extermination of a nation", after the conclusion of World War II when the horrified world learned of the extermination of whole peoples by the Nazis. As we see, in fact, genocide is committed in four ways: *physical genocide*, i.e. physical extermination

Such, in brief, is the juridical essence of apartheid, an unlawful and punishable practice deliberately and not accidentally committed, and inspired by manhating racist ideas.

AS INHUMAN AS MURDER

No juridical qualification can give a tangible idea of the order and system of life in South Africa under the provisions of apartheid, for it is absolutely different from all now existing organised communities. Apartheid is rightly said to be as inhuman as murder. That is no journalistic cliche. It is an objective fact that encompasses the aggregate of politico-legal, socio-economic, ideologico-moral and cultural measures stripping the black population in South Africa of human and civil rights. It is not something that just happened, not the result of just the coming to power of the Nationalist Party, but the culmination of a long social and ideological evolution of the white minority. The crime of the racist governments formed by the Nationalist Party since 1948 is that they gave the barbarian idea of racism and racial discrimination the form of apartheid, deliberately consigning to oblivion one of the finest principles of human society that, as the Universal Declaration of Human Rights of 1948 records, all human beings are born free and equal in dignity and rights.

The racist rulers of South Africa could not put their ideas of apartheid into effect at once. Year after year, with the obsessive

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of whole groups of the population for racial, national, ethnic or religious reasons; *social and economic genocide*, i.e. deliberate creation of living conditions for such population groups, that lead to their complete or partial extermination; *biological genocide*, i.e. measures preventing childbirth among members of such groups, and, last but not least, *national and cultural genocide,* i.e. acts calculated to destroy the cultural and other spiritual values of the groups in question. All these methods were extensively employed by Nazi Germany during World War II against Slavs, Jews, Gypsies, and other peoples. The International Military Tribunal in Nuremberg qualified the above as crimes against humanity. In 1948, the UN adopted the Convention on the Prevention and Punishment of the Crime of Genocide, which states that genocide is a crime under international law, condemned by the civilised world, for the commission of which its chief culprits and their accomplices are subject to punishment whether they are private persons, public officials or constitutionally responsible rulers, irrespective of their motivation, whether religious, racial, political, or any other.

perseverance of maniacs, they carried through measures in literally all fields from production to the arts and everyday life, gradually turning the doctrine of separate development into a stark fact.

And one of the main tools they used for this was legislation and its capacity of giving the will of the economically and politically dominant class the juridically obligatory power of law. A multitude of rules and regulations with the power of law was enacted over the years to bring the programme of racial discrimination in line with the requirements of white supremacy, with the aim of using African labour to obtain superprofits, and to perpetuate the separate development of racial groups in South Africa.

Among the first apartheid laws to be enacted was the Population Registration Act of 1950. Under its provisions all people in the country were classified and officially recorded (in their identity cards) as belonging to one of the established racial groups—white (Europeans), Bantu (Africans)*, coloured (mixed), and Asian (mainly people from India).

People were defined racially by appearance or general opinion or, to put it more simply, by hearsay. No other approach or method was possible owing to the way the act was worded. White, said the Act, was a person who in appearance obviously was, or who was generally accepted as, a white person, but did not include a person, who although in appearance obviously a white person, was generally accepted as a coloured person. A white person was not considered white if one of his parents was coloured or Bantu. A Bantu was a person generally accepted as a member of any aboriginal race or tribe of Africa. And a coloured person was a person who was neither white nor Bantu.

That gave the start to apartheid. The colour of a person's skin became the legally determining factor of a person's place in South African society.

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* Bantu—peoples of the language group which linguists have termed Bantu from the similarity of the word for "people" (*bantu or batho*) in their languages. Unfortunately, the coinage is acquiring a derogatory connotation through its misuse by the white authorities. The group includes the peoples of Lesotho, Swaziland, Botswana, Namibia, Zimbabwe, Mozambique, Zambia, Malawi, Tanzania, Uganda, Kenya, and others. (See A. Lerumo, *Fifty Fighting Years. The Communist Party of South Africa. 1921-1971*, p. 2.)

Trustworthy evidence shows that the methods of determining a person's racial origins were nothing less than preposterous. A pencil, for example, may have been stuck in a person's hair, and if it did not fall, the person was classified as African, while if it fell, the person was classified as coloured*, for the latter were thought to have "softer hair".

"No words can describe the tragedy of people who had always considered themselves white and suddenly discovered they were coloured," writes a student of apartheid. "People committed suicide, families broke up. Within a single family some were found to be more white than others. Even husbands and wives were referred to different groups."**

The provisions of the Population Registration Act strip most South Africans of all rights flowing from the dignity of the individual, while for the minority they are the source of various privileges. Because if a person is by "lawful" procedure found to be white, he is granted all political, economic and civil rights, and if found to be non-white, he is restricted in his rights or totally denied them in line with the racist postulate, "a black is not human".

But the contempt for law and humanity did not end with the enactment of the Population Registration Act. A special act on changing racial allegiance was adopted. Under this act, a special

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* Coloureds include not only people of mixed ancestry, but also persons of Asian ancestry—Indians, Malays, and others—as a specific coloured sub-group. Africans, Asians and persons of mixed ancestry are placed under one head as "non-whites" or "non-Europeans". Hence the following expressions in various documents: "in white South Africa" and "in non-white South Africa", "in the white sector of the economy" and "in the African sector", and so on. Of late, publications and documents of progressive organisations use the words "black", "black majority", "black population", etc., to designate the entire non-white population of the RSA, including Africans, coloured (mixed) and Asians (Indians), as synonyms of the words "African", "African majority", etc.

** Under a special regulation, Japanese residents in South Africa are not considered Asian or coloured, and are treated as persons of European or "white" ancestry or, in other words, as persons with full rights. This is a clear reminder of the Nazi laws under which, already at the end of the 1930s, Japanese were classified Aryans as an exception. The racist definition of the civic status of Japanese is meant to secure the interests of the South African industrial bourgeoisie, which has business ties with the Japanese monopolies.

department of the Ministry of the Interior yearly examines applications for changing the racial status on account of, say wanting to marry a person of another racial group. Officials study the civil status and genealogy of applicants. Some are required to submit blood samples; their hair is examined through powerful microscopes. More often than not, officials use the popular method of sticking a pencil into the person's hair or—in most cases—the matter is settled by the official's "expert" glance. In 1984, for example, 518 coloured persons were reclassified as whites, 14 whites and 50 Indians as coloureds, 17 Indians as Malays, 5 coloureds and 1 Malay as Chinese, 89 blacks as coloureds, and 5 coloureds as blacks. For all these persons the civic humiliation was followed by far-reaching legal consequences. The coloureds who became whites gained all the legal advantages of being white, while whites who became coloureds lost all their rights, and, among other things, had to move out of their homes in the white residential areas to areas for coloureds.

A monstrous system! But in South Africa it is considered normal both in terms of morality and in terms of law—racist morality, of course, and racist law.

The classification of people by the colour of their skin was followed by measures securing racial segregation*, notably the criminal Group Areas Act enacted in 1950 which controls the settlement of racial groups in the country's territory. This may be described as the second basic law of apartheid, empowering the Nationalist Party government to assign any area for the settlement of exclusively one of the earlier defined racial groups.

The idea of creating native reserves was no novelty. It had gained circulation in the early days of South African colonisation, but was not legislatively entrenched until 1913 in the Land Act. This act listed land areas reserved for Africans: 107 million morgens (morgen = 0.85 hectares) or 7.3 per cent of the country's total area were allotted to them for residence and farming. In the few urban areas where Africans could own land, a 1929 act on

* Segregation (from Latin *segregatio*—separation) is a type of racial discrimination practised in the USA, RSA and a few other countries; separation of the coloured population from the white, its settlement in specially allotted areas.

urban areas consolidation substantially restricted native ownership and use of land.

A new Native Trust and Lands Act was passed in 1936, which provided for the government's buying 7,250,000 morgens of land from whites for transfer to Africans and a simultaneous abolition of "black spots", i.e. of the few plots of land still owned by Africans in white residential areas. Here I might add that the "black spots" were abolished within a few years, while the "simultaneous" purchase of land from whites, as envisaged in the first part of the act, has not been completed to this day. Between 1939 and 1964 the government bought some 6 million morgens of land from whites, and, in the final count, increased the area of the reserves to 13.2 per cent of the country's total area.

The 1950 Group Areas Act completed the country's territorial segregation and adapted it to the policy of "separate development". The Commission on the Socio-Economic Development of the Bantu Areas formed to implement this act created new administrative areas called bantustans, and removed all Africans from the "white" areas to these Bantu "homelands".

By means of this adroit but wicked move, Hendrik Verwoerd, father of apartheid who was then Prime Minister, set out to make the RSA a land of whites only. For as Verwoerd conceived it, the bantustans were first to be granted "self-government", followed by "independence", whereupon there would be a "constellation" of one white and ten black South African states.

The racists invented the idea of "independent" bantustans, and paraded it as the "true" incarnation of the self-determination of "African nations" in full accordance with the UN Charter. Few people in the world accepted this. On the contrary, most statesmen and the progressive public saw bantustanisation as a bid to "satisfy" the lawful demands for self-determination in the country as a whole with "state" independence for separate ethnic and language groups of the single people of South Africa.

The manhating, unlawful essence of racism came to the surface also in the fact that some ethnic communities (such as the Xhosa tribe) were divided into several bantustans, while others (such as the Nedi and Ndebele) were, on the contrary, put together in one bantustan. I might add that the territories of the bantustans are not the integral regions traditionally populated by the various ethnic communities, and constitute strips of land in

different parts of the country, so as to bypass the land of white farmers and industrialists, and also land rich in minerals. As a result, ten bantustans occupied 114 pieces of land in 1972, their number being finally reduced to 91 by 1977. Nothing could prove more conclusively that the bantustans are artificially created administrative units consisting of geographically fragmentised territories scattered all over the country.

The Bantu Homeland Citizenship Bill was passed in 1970, making all Africans citizens of one or another bantustan, regardless of their place of birth or residence or employment, and stripping them of RSA citizenship.

That was how the despotic Pretoria clique settled the question of the "free" expression of the African people's will in the self-determination context, and also the question of the political status of the bantustans. Thereupon, the white government began forcibly deporting Africans to these Bantu "homelands". At least three million people were made to resettle there over the years. In 1960, some 40 per cent of the African population of South Africa lived in bantustans. By 1980 the percentage rose to 54.

If I add that the economy in South Africa is under the absolute control and domination of whites, and that the bantustans live in utter misery, the inevitable conclusion is that the racists had not the slightest intention of abiding by any of the conditions and terms envisaged in international law for the true exercise of self-determination.

Yet the racist version of "self-determination" was put into practice all the same. The "independence" of Transkei was proclaimed in October 1976. The UN responded in a resolution of October 26, 1976, by condemning the establishment of bantustans as a measure strengthening the inhuman policy of apartheid, as an impingement on the country's territorial integrity, and as a move to perpetuate the supremacy of the white minority, while denying the Africans their inalienable rights.

The UN rejected the "independence" of Transkei and declared it null and void. It called on all governments to abstain from recognising Transkei in any shape or form and from entering into any contacts with the authorities in Transkei or any other bantustan. The UN declared that the people living in Transkei and all other persons that were declared "citizens" of that bantustan were still citizens of the Republic of South Africa and retained

all their rights in determining the future of South Africa as a whole.

The racist clique in Pretoria cynically ignored this stance of the world community and carried on with its policy. Bophuthatswana was declared "independent" on December 6, 1977, Venda on September 14, 1979, and Ciskei on December 4, 1981. The other bantustans (Qwaqwa, Gazankulu, KwaZulu, Lebowa, KwaNdebele, and KaNgwane) are so far said to be in an intermediate stage of development.

For Africans bantustanisation is a tragedy. The "independent" homelands have no fertile land, no industries, and none of the other essential conditions for a decent life. Their despairing inhabitants have no other recourse, therefore, but to illegally cross into "white" South Africa in search of jobs. More than 70 per cent of the ablebodied population of "independent" Bophuthatswana, for example, is employed in Witwatersrand, an industrial centre of "white" South Africa. And Bophuthatswana is no exception. The same situation reigns everywhere. But it suits the country's racist bosses. The Pretoria authorities regard Africans from bantustans as "alien" nationals, with all the consequences this entails. Suffice it for one of them to excite the ire of the farmer, employer or official, and he is instantly "expelled" from the RSA as a "citizen" of Ciskei or Venda or Transkei or Bophuthatswana to his "own" country, where he has nothing to call his own except a hungry family.

It is a hundred per cent inhuman policy. Devised by the racist minds of "white" South Africa, and yielding profit solely to "white" South Africa. For the system of apartheid is designed above all to provide cheap and controllable labour, to allow for its super-exploitation so as to enhance the wellbeing of members of the white race. Stripped of civil rights in "white" South Africa and locked up in "independent" bantustans, Africans must either die or agree to work for their white bosses to keep themselves and their families from starving to death. And on terms and with an outlay of strength dictated by their masters and exploiters.

The establishment of bantustans is, however, only one of the aspects of the territorial segregation of races practised in South Africa as an element of apartheid. The other aspect is the policy of setting up urban ghettos for those whom the racist regime did not resettle in bantustans. And that policy, too, is pursued on

"lawful" grounds, for the South African parliament backed up the many already existing acts with a new Group Areas Act in 1966, under which each racial group—whites, Africans, coloureds, and Indians—would henceforth live in strict segregation. Certain districts in towns and townships were allocated for this purpose, and to meet its requirements thousands of dwellings were torn down and hundreds of thousands of people were resettled.

In 1963, for example, Pageview, a Johannesburg suburb, had a population of 10,410 non-Europeans and only 6 Europeans. Then the racist government declared the place a whites only area. All non-Europeans were expelled. More than 20,000 coloureds were moved out of Cape Town, where persons of Indian ancestry and other Asians had lived for more than 300 years. From Durban, too, some 16,000 coloured families were expelled.

The grief, the pain, the tragedy that accompanies the resettlement in bantustans and ghettos is forcefully described by Saul Mkhize, a young African, in an appeal to the world public against the racist government's forcible expulsion of 5,000 persons from Driefontein (Cape Province), where they had lived for sixty years. It was published in *The New York Times* on April 6, 1983. "When we bury our dead we expect them, as all other people do, to rest in peace. We paid for our land and we wish to keep it. We will not own the new land to which we are supposed to move." Mkhize asked angrily: "Why should we move? Because the government wants our land for their own purposes? For the minerals beneath the ground? Would they move white people in this way—by buses to barren land with no roads, no water, no schools, no shops, nothing?"

One more example of forcible segregation was the demolition of Sophiatown, a black township on the western outskirts of Johannesburg, inasmuch as the place was declared a white residential area. The resettlement of Africans to an allocated area began in the morning of February 10, 1955. Clergyman T. Huddleston described the beginning of the tragic event as follows:

"It was drizzling. A squad of African policemen under a white officer was coming down the hill. At dawn the rain began in earnest. An armada of military vehicles lined up along the broad strip between the European suburb of Westend and Sophiatown, which we called the colour bar... Policemen were stationed all along the street, white and black. White policemen had rifles and

pistols, black policemen had their usual *assegais*. Machine-guns were installed at different points."

By and large, the operation of clearing the township took four years. Most of the people were resettled against their will, forcibly, and their homes were demolished by bulldozers. In 1959, the authorities announced that the demolition of Sophiatown had been completed and that 48,563 people were resettled, with another 1,500 expelled and put up at hostels. Later, a white suburb appeared in place of the African township, known meaningfully as Triumph.

This exercise of racial segregation continued throughout the succeeding years. And has not stopped yet. Crossroads township, for example, sprang up in 1975 on an empty lot some 20 kilometres from Cape Town. Its initial inhabitants were refugees from the Transkei and Ciskei bantustans who hoped to find jobs in Cape Province. Over the past few years, the population of Crossroads, a squalid huddle of shanties made of cardboard, plywood, tin sheets and scraps of cellophane, went up to 100,000.

The white authorities warned time and again they would demolish the township and move its inhabitants. Under pressure of public opinion, however, the demolition was put off. Finally, in 1986, the racist regime set about tearing down Crossroads. More than half the shanties have already been demolished, and at least 60,000 people left without a roof over their heads.

Senator Edward Kennedy visited South Africa in 1985, and saw life in bantustans and African ghettos. He said the whole thing was inhuman. But if for century after century the idea that an African is not human is drummed into people's heads, can the results be any different?

NO EQUALITY BETWEEN WHITE AND BLACK IN CHURCH OR STATE

This principle, written into the Transvaal Grondwet (constitution) in 1860, is still at the centre of the apartheid legislation as concerns public activity, labour, education, health, religion, matrimony, and freedom of travel.

The most numerous and influential Dutch Reformed Church operates on a strictly racial basis—whites separately, Africans sep-

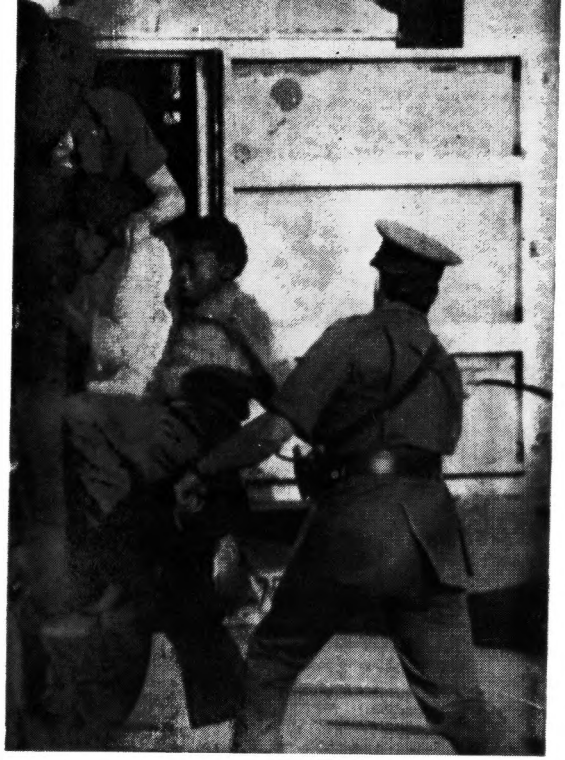
The police, army and judiciary are all elements of the racist machinery of state shaped to suppress and eliminate opponents of apartheid

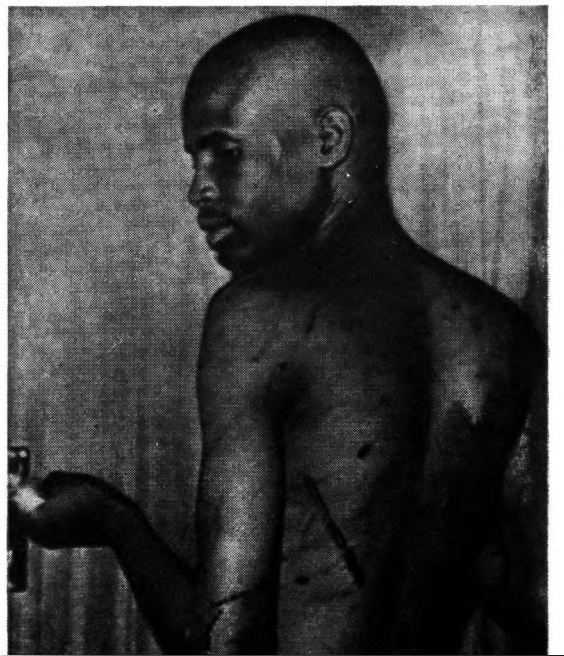
Backing up the police is the army. A racist patrol in a Johannesburg suburb

A policeman's truncheon is an argument for South African "democracy". Dispersal of a protest demonstration in Cape Town

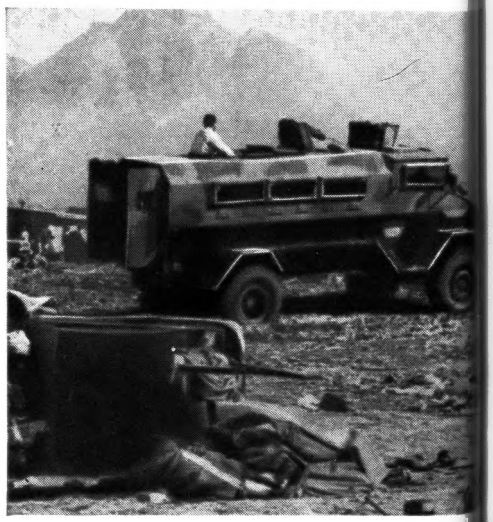
A "quiet talk" at the police station lies ahead. Demonstrators arrested in Lenasia

The "quiet talk" at the police station is over

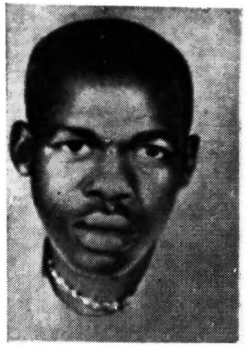


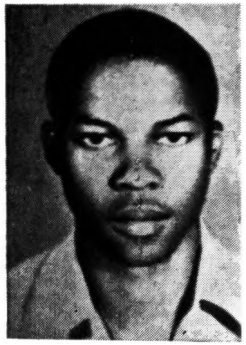


This South African soldier is about to open fire on the crowd of relatives and friends of the Soweto schoolchildren arrested in army and police roundups in the summer of 1985



An up-to-date armoured car in an African township near Cape Town





Sentenced to death by a racist court, these members of the African National Congress were hanged.
J. Mosololi, M. Motaung, and S. Mogoerane

The living barely have time to bury the dead. A procession in Atkhlone at the funeral of Abdulla Fee Freedy, shot by the police

Demonstrators protesting against apartheid outside the South African embassy in Washington in December 1985. Among them is Jessy Jackson, a prominent fighter for the rights of blacks in the United States, Congressman Walter Fauntroy, and Correta King, widow of civil rights fighter Martin Luther King

arately, coloureds separately, and Indians also separately. The majority of the followers of the Methodist Church are black, but only one of the regional churches is headed by an African. Anglicans are represented by the Church of England and the Church of South Africa. The congregations of the two Churches are racially divided: whites have their own churches, the Africans their own.

Describing the franchise as the most sacred right of free men and women, the Pretoria racists have stripped Africans of this right. None of them can elect or be elected to courts of law and government bodies on the same footing as or together with whites.

Even love and marital relations between people of different racial groups have been pronounced criminal. Under the Prohibition of Mixed Marriages Act of 1949 and the Immorality Act of 1957 persons who commit these "transgressions" are imprisoned for terms of up to seven years.

To deny Africans any chance of resistance in the economic field, the racists initially robbed them of the right of having free professional or political unions. The Industrial Conciliation Act (No. 28) of 1924 officially excluded Africans from the category of industrial and office workers. Years of resolute struggle, a shortage of white workers, and a slowing down of economic growth eventually compelled the government to relent. A new Industrial Conciliation Act (No. 94), which replaced the previous one in 1979, permits African trade unions to exist and allows them to conclude collective agreements with employers and to hold strikes. But since only those Africans *permanently* domiciled and employed in towns of "white" South Africa are officially recognised as workers, these provisions of the new Act apply (according to the US press) to no more than 15 per cent of the labour force. On the other hand, the Act has introduced various impingements upon African workers' unions. It requires them to register, for example, thus placing them under the control of the racist government. And though strikes of limited size are not forbidden, employers are not prevented from firing strikers and the police from imprisoning, even killing, union leaders and strikers.

Under the Bantu Labour Act an African who instigates, participates in, or joins a strike, or commits some other action that may be qualified as a strike, is liable to a fine of R1,000 or three years' imprisonment or both. Besides, though strikes are now offi-

cially allowed, the racist authorities, who see them as a menace to white supremacy, may qualify them (under the Internal Security Act, for example) as some still more dangerous offense punishable by a long term of imprisonment or death.

The pay system in South Africa also reposes on racial criteria. Accordingly, the real wage or salary of a white is 350 per cent higher for the same work than that of an African, 210 per cent higher than that of a coloured, and 140 per cent higher than that of an Asian. The average per capita income of Africans is a mere 5 per cent that of whites.

Unemployment is a blight for African workers. They are the last to be employed and the first to be fired. At least 12 per cent of all Africans are chronically out of work. What makes matters worse is that migrant African workers are extensively employed at mines under 9-12 months contracts. More often than not they come from Lesotho, Botswana, Swaziland, Malawi, Mozambique, Zambia, or Zimbabwe, as well as the bantustans. The US journal *Business Week* reported at the end of 1985 that some 1.5 million such migrants were employed in South Africa, living in crowded conditions in special, prison-like, hostels without their families.

As a rule, these hostels present a revolting sight. Senator Kennedy visited the Nancefield hostel in Soweto briefly in January 1985, and described it as one of the most distressing and depressing sights he had ever seen. From 12 to 15 people live side by side in time-blackened barracks on small and bare plots of land with fences of netting around them and barbed wire running along the top. They are much like concentration camps. Employed Africans live there, away from their families for 11 months of the year. Only once a year can they go home to see their wives and children. Many stay in the ghettos for years and years—ten, fifteen, twenty. "We are the nomads of our time," one of them said. He had been there 12 years, spending a total of not more than a year with his family during that long time. The room he lived in with three mates, afforded living space limited to the size of his bed, under which he kept his belongings. Isolation, monotony, and exclusively male company for 11 months of the year, plus the sole enjoyment of drinking, leads to brawls and ethnic strife. Still, this hardly bearable life enables Africans to earn a meagre livelihood for their families, to whom they remit the bulk of their earnings.

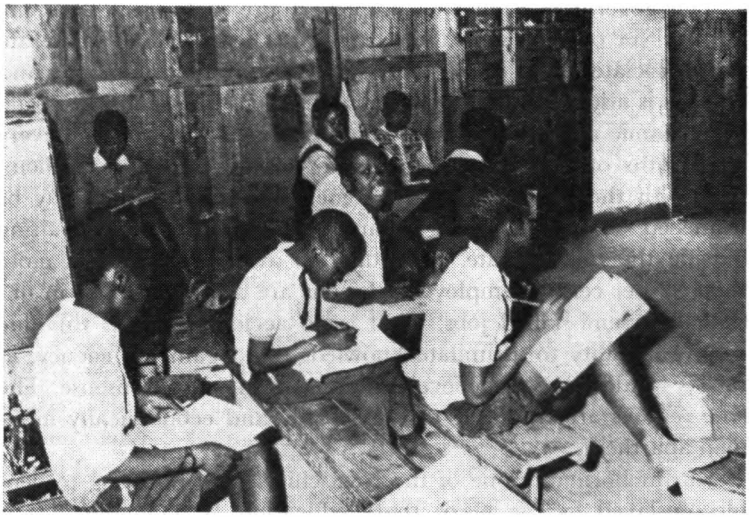
The government and the employers prefer to deal with migrants. Not only because their labour is cheap. A barely literate and dissociated mass of migrants speaking different languages and dialects is also preferable politically. As aliens, they have no social or economic rights. Since their contingent is totally renewed every 18 months or two years, they cannot organise to protect themselves. In the event of a strike or some other conflict, they may be dismissed on the spot and instantly replaced by others waiting outside the factory gate. According to available estimates more than 92 per cent of employed Africans are at present used in unskilled or semi-skilled jobs. That is no accident. Nor is this due to any inability to assimilate knowledge and gain proficiency, as racists would have us believe. The facts refute this nonsense. The true reasons are traceable to the socially and economically inhuman apartheid.

Martin Bormann, one of the Nazi chiefs, said referring to peoples enslaved by the Nazis that "education is dangerous. It is enough if they can count up to a hundred. At best an education which produces useful stooges for us is admissible." (*Trial of the Major War Criminals Before the International Military Tribunal*, Vol. 19, Nuremberg, 1948, p. 499.)

So spoke Bormann the Nazi. But here is what racist Hendrik Verwoerd, then Minister of Native Affairs, said in 1953, when the Bantu Education Act was adopted. He would alter the educational system, he said, so as to deprive African children of equality with whites; they would be taught only what they needed to live in their own society; "there was no place for them in the European community above the level of certain forms of labour".

To maintain a continuous supply of Africans for the dirtiest unskilled jobs, Verwoerd acted on the Bantu Education Act of 1953, the Coloured Persons Act of 1963 and the Indians Education Act of 1965, to put education on a strictly apartheid basis and complicate access of non-whites to knowledge, education and culture.

This deliberate policy of making Africans do unskilled work, do the simplest and dirtiest jobs, is being carried on to this day. As the S. A. Minister for Education said in the Parliament in Cape Town on August 29, 1986, the government would stand by its "deep basic philosophy of school segregation". Education to whites "should be given by whites". The sole exception is



A shed adapted as a schoolroom is the best that most African children can expect

sometimes made for the children of black diplomats appointed to Pretoria who are classified as "international" students. Private schools cannot claim government subsidies unless they conform with the character of the communities in which they function.

The following figures give a good idea of what segregated education leads to.

At the end of the 1970s, an annual average R54 was spent on an African pupil and R551 on a European. While education was free for white children, Africans paid tuition, paid to hold examinations, paid for textbooks and the school uniform, and paid for school lunches and the fare to and from school. Eighty-five per cent of the teachers in non-white schools had no special training. The curricula and textbooks were simplified.

The racist educational legislation, deliberately aimed at producing unskilled African labour for simple and dirty jobs, is yielding results. Every fourth African first-year pupil is a dropout. Only one per cent of those originally admitted go on to receive a school-leaving certificate, and only 0.2 per cent enrol in uni-

versity. The situation for persons of mixed race and Indians is not much better. But in the case of whites, the picture is entirely different: 63 per cent finish junior school, 30 per cent go on to secondary school and 7 per cent to university.

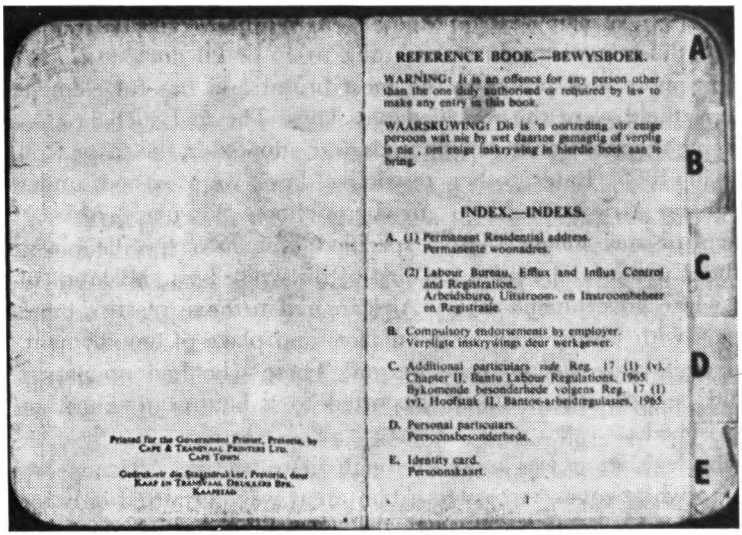
Under a 1959 amendment to the Universities Act, non-white students were expelled from most universities. Now, too, they are admitted to only some of the departments of specially assigned universities.

South African health legislation is also racist. Indeed, the country has several health services, each serving a racial group—whites, Africans, coloureds, and persons of Asian ancestry. The following facts speak of the difference in the standard of medical care.

There is one doctor for approximately 400 whites (the highest figure in the capitalist world). The figure for Asians is one doctor for approximately 900 persons, for coloureds one doctor for 6,200 persons, and for Africans one doctor for 44,000. Despite this glaring inequality, the racist authorities until recently restricted admission of African medical students to Durban University only, where the annual graduation shrank to 15 or 20 doctors a year.

One more and probably the most brutal and hateful element of apartheid were the so-called pass laws. The first such law restricting the movement of coloureds was adopted in the Cape Colony in 1806. Later, other restrictive laws were passed, under which no African could go anywhere, choose his place of residence, or stay longer than a specified time in a specific place, without the special permission first of his white boss and later of the white government. Every African had to have plastic-bound papers with him stating his vital facts and place of employment, and containing a residential permit. Those who had no papers could be instantly detained, deported to a bantustan, fined, or imprisoned.

The legislation was most thorough in restricting Africans' access to white zones. Access to urban areas was permitted only for Africans who agreed to do work the white man needed; they had to leave as soon as they finished it. Under established procedure, Africans who had no residential permit, could not stay in a white zone for more than 72 hours. Admission to a white district was strictly limited by a multitude of most unlikely reservations. Here are a few of them:



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REFERENCE BOOK.—BEWYSBOEK. A

WARNING: It is an offence for any person other than the one duly authorised or required by law to make any entry in this book.

WAARSKUWING: Dit is 'n oortreding vir enige persoon wat nie by wet daartoe gemagtig of verplig is nie, om enige inskrywing in hierdie boek aan te bring. B

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Here's what an African's pass looked like. It was a symbol of centuries of slavery

— an African born and residing permanently in a specific town, who left it for at least a fortnight, could not return for a stay of more than 72 hours. If he violated the ban, he was classed a criminal;

— an African living in a town for 50 years but born elsewhere, could be denied residence there if he committed an offense for which he incurred a fine;

— an African permanently resident in a town since birth, could not allow his married daughter, his son over 18 years of age, nephew or niece, or grandchild to stay with him for more than 72 hours;

— an African born in a specific town, who lived there for 15 years, could not invite an African friend to stay with him for more than 72 hours;

— to start in on a job, an African had to obtain the permission of the Labour Bureau; he could not enter the district where he was employed until he obtained the permission of a special official.

I read the Act and could not believe my eyes. It was completely contrary to common sense. Yet that is what apartheid amounts to. And it was carried into effect through the expedient of endless checks, fines, deportations to bantustans, arrests, and imprisonment. In 1985, for example, 132,000 persons were arrested for breaking pass laws, and as many as 262,000 in 1983.

In the high court of Johannesburg alone, the number of Africans tried for breaking pass laws went up 72 per cent in 1983 against 1981, and the number of condemned by 52 per cent. I may add that in 1984 in East Rand, a Johannesburg suburb, according to Viljoen, Minister of Cooperation, Development and Education, African offenders of pass laws were sentenced to a total of more than half a million days' imprisonment. The fines, he said, amounted to 225,000 dollars. But however staggering these figures may be, they cannot fully reflect the humiliation that racists in South Africa inflict on fellow human beings.

The control over the movement of blacks and the policy of punishments for breaking the pass laws had the same purpose as that which Heinrich Himmler, leader of the SS in Nazi Germany, defined for those whom he called sub-humans. "They are none of them dangerous," Himmler said, "so long as we take severe measures at the merest trifle."

Such is apartheid—an extreme form of moral humiliation for the black majority in South Africa, denying it conditions for a truly human existence. As such it was conceived. It produced a system of relations in which an African is nothing more than a member of a racial group. His rights and status depend not on personal ability, knowledge or experience, but on his juridically established racial origins. An individual can exist in South Africa only together with his race. No extraordinary circumstances can raise the African above the level which the white racist bourgeoisie defined for him in approximately 2,000 acts and regulations.

Small wonder that even US religious leaders who gathered at a conference on January 14, 1986, branded apartheid an "absolute evil".

"For thousands of Africans," says a South African organisation's memorandum on the Pass Laws and Influx Control, "these laws result in broken families, in unemployment, in poverty and malnutrition, insecurity and instability, and in a state of hopelessness... The real cost must be counted in terms of human sorrow, bitterness, suffering, and tragedy on a vast scale."

That is all entirely true.

We learn from a University of Natal survey (1983) that the 4.6 million whites account for at least 60 per cent of all private incomes. They own at least 94 per cent of all basic assets, and as much as 88 per cent of all private property. Ninety per cent do skilled labour only. All of them can read and write. Child mortality among whites is 21.6 per thousand, and life expectancy 65 years.

The 25 million Africans, on the other hand, account for only 29 per cent of total private incomes. Yet they pay 56.6 per cent of total taxes. Only 7.2 per cent of them do skilled labour. More than 50 per cent can neither read nor write. The life expectancy of the 25 million Africans is 45 years, or 20 less than that of a white.

The Programme of the South African Communist Party contains the following assessment of the social and political realities in the RSA:

"On one level, that of 'White South Africa', there are all the features of an advanced capitalist state in its final stage of imperialism... But on the other level, that of 'Non-White South Afri-

ca', there are all the features of a colony. The indigenous population is subjected to extreme national oppression, poverty and exploitation, lack of all democratic rights... Non-White South Africa is the colony of White South Africa... It is the combination of the worst features both of imperialism and of colonialism within a single national frontier, which determines the special nature of the South African system."*

Small wonder that it has brought down upon the South African regime the hatred and contempt of progressive and democratic people throughout the world, who rightly accuse it of turning non-Europeans into slaves, pariahs, sub-humans in their own country.

THEIR PROGRAMME IS TO SUPPRESS OR DESTROY

How is apartheid and the entire system of racist colonial regulations, the like of which, one can safely say, has never been enforced against any other people in the world, carried into effect?

There is just one answer: by force and terror. Brutality has always been the first and last resort of racist power.

The racist laws are carried into effect by the police, army, judiciary, the prison system, security forces and various white paramilitary bodies. Those are the components of the racist machinery of suppression. The idea is to suppress or destroy, to inspire terror that never leaves a person in peace, to silence people, to eliminate those who disagree or resist, and also those who are likely to do so. To achieve these aims, the racists use the most monstrous and criminal means. There are so many of them it is difficult to list all. Here are just a few.

Mass detentions and arrests—overt and covert, at work and at home, in the streets of towns and in African townships, in the dark of night and in daytime—and, as has been proved time and again, without the elementary juridical guarantees practised in

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* *South African Communists Speak. Documents from the History of the South African Communist Party, 1915-1980,* Ikululeko Publications, London, 1981, p. 300.

all civilised countries and enshrined in international law.* These detentions and arrests may be carried out at the discretion of a policeman, on the mere strength of a denunciation, for "political reasons", and without a preliminary investigation. More, in 1963 the police was granted the right to imprison Africans without charging them for a term of up to three months. In 1965, this term was lengthened to six months, and has been practically indefinite since 1967. It is estimated that in the South African citadel of racism there is an arrest every three minutes with the detained spending an average of 36 hours in prison. The United Democratic Front of South Africa announced that as many as 33,498 people had been taken into custody between January and November 1986, inclusive. I might add that, as we learn from evidence gathered by the International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa, the whereabouts of detainees and arrested persons often remain unknown. This applies even to arrested children and teenagers.

As the Detainees' Parents Support Committees reported in March 1986, "none of the relatives of 350 children were informed by the authorities of the arrest of their child or its whereabouts".

The secrecy serves a dual aim: to terrorise the family and friends of the arrested person, to deny the detainee access to any proof of his innocence, to prevent him from turning for assistance to lawyers and from appealing to public opinion at home and abroad.** All this is reminiscent of Nazi practices in Germany.

Imprisonment. None of the 224 prisons in South Africa is ever

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* Under the standards of international law personal freedom is inviolable. According to Articles 7, 9 and 10 of the International Covenant on Civil and Political Rights an arrested person shall be informed of the reasons for his arrest and by what authority he is deprived of his liberty. Anyone who is deprived of his liberty is entitled to initiate proceedings in a court. And no one may be subjected to torture, or to cruel, inhuman or degrading treatment, or punishment.

** The S. A. authorities no longer provide information on casualties and arrested persons. The local and foreign mass media correspondents have been forbidden to mention facts to that effect. Under an act passed at the end of 1986, those who disobey may be sentenced to 10 years' imprisonment or a fine of 9,000 dollars.

empty. At least 100,000 inmates are kept in them at any one time. Who are they?

It is not easy to answer that question. Tight censorship is a barrier to publishing anything that might cast the least doubt on the dogmas of apartheid. In the meantime, official sources falsify the character of those imprisoned by the racist regime. But the truth will out. Those who were released from South African prisons say that three out of every four prison inmates are political fighters. Their only guilt is that they resisted the hateful policy of apartheid. And their lot is beyond human endurance. I still remember accounts of the abominations that reign in the political dungeons of South Africa. "Whatever prisons we were sent to," former prisoners told me, "the conditions everywhere, whether in Port Elizabeth, Maritzburg or Cape Town, were the same for political and common criminals."

On Robben Island, the main gaol for political prisoners, they are kept in miserable conditions, with ten or more people to a cell, sleeping on the stone floor, and the lavatory pan also being used for washing. Political prisoners have it worse than common criminals. As a rule, their wardens are degenerates or sadists, whose depraved fancies they often have to suffer.

But the will of a person fighting for a radiant idea cannot be broken by violence. Take Nelson Mandela. He is sixty nine, and on August 5, 1987, it will be 25 years since that gallant man was put behind bars. As prisoner 466/1964 he has spent nearly 18 years on Robben Island, the racists' most horrid gaol. They had not dared destroy him, and doomed him instead to a slow death. Louis le Grange, RSA Minister of Law and Order (more precisely minister of lawlessness and violence), has said Mandela would end his life in prison, for he is sentenced to life imprisonment plus the five unserved years of his first sentence. But Mandela will not be intimidated. "During my lifetime," he said to his racist judges at his trial on April 20, 1964, "I have dedicated myself to this struggle of the African people. I have cherished the ideal of a democratic and free society. It is an ideal which I hope to live for and achieve. But if need be, it is an ideal for which I am prepared to die."

People all over the world have raised their voices in defence of Nelson Mandela, calling for his release. So far, however, their efforts have been in vain. The authorities say they will release

him if he promises to desist from fighting apartheid. Mandela's reply is: abolish apartheid, racial discrimination and force, and the struggle will end.

His unbending courage and indestructible faith in the ideals of the liberation struggle have earned Nelson Mandela enormous prestige all over the world. He remains the recognised leader and national hero of the people of South Africa.

Democrats in South Africa and all over the world demand the immediate and unconditional release of Nelson Mandela, who personifies the oppressed and fighting majority of the country's population.

House arrest. This measure of constraint was invented by Vorster, one of the fathers of apartheid and a great admirer of Hitler. It is used extensively. Whenever the secret police cannot obtain evidence against a suspected opponent of apartheid, he is simply put under house arrest. This settles a lot of problems: the detainee's case is not examined in court for no charges are preferred.

Under the Internal Security Act (which replaced the Suppression of Communism Act in 1976), the 1927 Bantu Administration Act, the Natives (Urban Areas Consolidation) Act of 1945, the Riotous Assemblies Act of 1956, and others, everything depends on the Law and Order Minister. If he thinks a person's activity "imperils" security or law and order or a person is suspected of such activity, the minister may (without interrogating his victim) restrict his freedom of movement to the limits of his home.

A person under house arrest may not visit or receive visitors, go to public places, write anything for print, participate in meetings or demonstrations, and, in general, see more than one person at a time, etc. His utterances may not be quoted, he must show up at the local police station, and so on. House arrest may be imposed at the discretion of the minister for a week or several months, but also for five, ten, fifteen, twenty and more years. Among the "silenced detainees" are students and trade union activists, university professors, poets, clergymen, and public leaders.

In early April 1986, thousands of people in Soweto, an African township on Johannesburg's outskirts, went into the streets to welcome Winnie Mandela, Nelson Mandela's wife and an active fighter against racism in her own right. She had been under house arrest since 25 years ago (1962). In 1977, she was banished from

Soweto to a place called Brandfort. Her freedom of movement was restricted to the little house she lived in. She was forbidden public activity. In April 1986, the authorities permitted her to move back to Soweto, but lifted none of the bans imposed on her. As before, Winnie Mandela may not speak at public meetings or to the press, and does so at her own risk. Nor can anyone say when the bans will be lifted.

The Times of London said justifiably on September 20, 1984, that house arrests are part of the ingenious legislation that enables the South African authorities to suppress their political opponents. How true.

Shooting demonstrators. All of us remember Sharpeville and the day the South African police shot and killed 69 and wounded 187 peaceful protesters against the pass laws.*

And can anyone ever forget the still bloodier slaughter perpetrated in Soweto in 1976? On that occasion the toll was nearly 600 lives.

Mass killings of opponents or suspected opponents of apartheid continued in later years, too. At least 40 people were killed in 1980 in raids on black and coloured ghettos. In 1983, racist terrorism claimed more than 200 human lives. All the killed were Africans. They were accused of violence against the police. In a report from Johannesburg on April 7, 1983, a Reuter correspondent wondered wryly how the Africans died if they were the ones who committed the violence?

The failure of the so-called constitutional reforms of 1984 was followed by more killings. Since September 1984 an average of at least 60 people have been killed every month for protesting against lack of rights and apartheid.

According to medical reports published in Johannesburg on May 9, 1986, South African security forces in the Cape Town area shot more than half their victims in the back, while another 11.6 per cent had wounds in their sides, suggesting they had turned to run as the security forces opened fire. Dr. Joseph Duflou of the University of Cape Town's department of forensic medi-

* A UN General Assembly resolution has made March 21, when the Sharpeville shooting occurred, International Day for the Elimination of Racial Discrimination. It is marked as such by democrats all over the world as a reminder of the Sharpeville victims and of many other sacrifices elsewhere in the world by victims of injustice.

cine found in postmortems conducted on 93 victims of police and army action that their age averaged 25. Over 12 per cent were under 15. The youngest was 7. The number of wounded was unknown because, fearing police persecution, many had avoided applying for medical aid. Observers estimate, however, that since September 1984 their number has risen high up into the thousands.

When Prime Minister Verwoerd learned of the March 1960 massacre in Sharpeville, he observed cynically that the natives had received a lesson they would remember from childhood, namely, that equality with Europeans was not for them. Today, 4.6 million whites with a police force of 47,000 and an 85,000-strong army are still killing people for the same purpose. They think the ideas of equality and freedom can be suppressed. Their mistake is criminal. If an idea pursues the principle of social renewal, the earnest of justice, nothing can stop it—not rivers of blood or thousands of corpses. And since power is lodged in an idea and not only in its bearers, not even legions of executioners will ever kill it.

Torture. The racist clique regularly denies police and army torture. Yet those who come out of prisons in South Africa and Namibia testify that torture is used as widely in prison cells and police stations as truncheons and bullets are used in the streets.

"The day in Ogongo was for me the most frightful of all," we learn from the story of Rauna Nambinga, an African ex-detainee. "I was taken to a small room with photographs of dead people on its walls and told to identify my brother Usko Nambingo among them. When I said I could not, they beat me cruelly. Then I was led to another room with snakes in it. They said if I did not speak the truth the snakes would bite me. I still said that I knew nothing, and a policeman put on plastic gloves, picked up a snake and raised it close to my left ear. Something stung me; I did not know if it was the snake or some instrument they used, for I had been ordered not to move or look round. A policeman said if I did not admit I was helping SWAPO, I would die. I spent more than four hours in the snake room, and when led outside I fainted. Then I was taken to the interrogation ward, and though my legs would not obey me I was ordered to stand. I was barely conscious of what was happening around me. Later, I was transferred to Ondangwa prison."

And here is the testimony of ex-prisoner Kefas Kashami Shipwata: "I was arrested again on March 12, 1980 by two white and a black policeman called Noshilumbu, which is probably a nickname because in our language it means 'the one with the whites'. I don't know where I was taken to, because I had been blindfolded when they seized me. My hands were tied behind the back, my legs shackled, and a blanket was thrown over my head. I was driven away, then placed in another vehicle with more prisoners, who were also blindfolded. We heard birds and beasts, which meant that the prison was in a forest. A black policeman called Amapindi tied my hands to my feet, and hanged me up. He tortured me with electricity. I lost consciousness almost at once. When I came to, I was put in an armchair and subjected to electric torture until I fainted again. They tortured me with electric shocks until July. After that they only hanged me up and flogged me. This continued until August. On October 24, 1980, I was released. As a result of the torture I am disabled."

And this from an interview given by Axel Johannes: "Once in 1975 I almost went crazy. A fortnight without sleep. The policemen sat round me and poured water on my head. For a fortnight. I wept, and they laughed and said: 'Ask SWAPO and Sam Nujoma to help you. Maybe he will.' It was terrible. Sometimes the room seemed to reel around me."

From the testimony of Gladstone Moroka: "After two weeks in solitary confinement, I was taken out and tied to a pole in the middle of some room. The pole was on a cement platform and two strong men could barely move it. A powerful electric heater was placed about a foot away from me, and switched on. Major Strydom sat at his desk and wrote down my story as he wanted it to sound. He said I could have my neck twisted like Mapetla Mohapi, who had died in prison in August. In a few minutes I could no longer bear the heat. I smelled burnt skin, and sweat simply flowed down my body. My shins were literally burning and horrible to look at. Every few minutes Major Strydom moved the heater a few inches away. By the time he removed it, I had vomited twice and was barely conscious of what was happening around me. Then they dragged me back to the cell. I was given no medical treatment. The burns healed by themselves."

In Cape Town on March 24, 1986, a group of women from the Child Care Society, the Jewish Women's Union, and the

S. A. Women's League handed Minister of Law and Order le Grange a memorandum listing complaints concerning the treatment of 40 children from African townships in Johannesburg, Pretoria and Port Elizabeth.

Listed in the memorandum were:

—24 complaints of children being whipped, lashed, or flogged;

—8 complaints of children being forced to exercise, and being thrashed when they tired;

—2 complaints of tear gas being used in closed premises;

—2 complaints of electric shock torture;

—3 complaints of policemen kicking children;

—8 complaints of policemen telling children they would hang them, imprison them for 15 years, shoot them, or burn them alive;

—16 complaints of children being inflicted bodily harm: bullet wounds, fractured arms, deteriorating eyesight, burst eardrums.

In a statement published in Johannesburg on May 10, 1986, in view of "the recent spate of deaths in police custody", the Detainees' Parents Support Committees listed 79 "recorded deaths" which had taken place since 1963. The organisation said it regarded 61 of these as deaths in security detention and the other 18 as deaths in police custody in "politically-related" circumstances.

Out of the 79 recorded deaths, approximately half occurred during the first week of detention, with 23 on the very first day. This led to the conclusion that "serious assault during arrest and immediately after is the most common cause of death in detention".

The statement concluded that the high incidence of suicide verdicts—mostly by hanging—should be attributed "in part to strangulation techniques of torture being used during interrogation, and sometimes taken too far".

Again and again, I ruminate on the testimony of witnesses, rereading documents and scrutinising disfigured faces. In a blood-red haze, before my mind's eye arises the image of executioners, refined torturers and frightening killers, those living symbols of racial hatred, of the lowest vices and passions bred by power over people's lives, of cruelty, sadism, the morbid wish to cripple prisoners, to trample upon their dignity until they no longer resemble human beings.

Here is one of them: Major Arthur Cronright. He was chief

of a team of executioners who tortured and killed trade-union leader Neil Aggett in 1982. The interrogation before Aggett's death lasted 62 consecutive hours. Cronright, then a captain, employed identical methods when interrogating 61-year-old Mafike Malele, whereupon, as the official findings stated, Malele "felt ill, dropped to the ground, and hit his head against the edge of the desk". The postmortem, however, showed that Malele died from being brutally beaten.

Cronright's name figured in the case of Martin Nkosi, who came out of detention alive but crippled for life. The same Cronright tortured Jonathan Tiye with electric shocks, and then, failing to wrest a confession from him, knocked out his teeth. He also tied student leader Auret van Heerden hand and foot, and left him in that state for two days. When van Heerden refused to give evidence again, he tortured him with electric shocks, hung him up, and beat him.

And here is the testimony of yet another victim of Cronright's, a girl named Alice Tsongo: "For three days I was flogged and beaten with truncheons. All that time, I was not permitted to sleep. Among those who tortured me was Capt. Cronright."

Can anyone disagree now with the claim of South African patriots that the racist police are "sheer beasts"?

The South African authorities want to conceal the facts from the public. Speaking in parliament in March 1983, the S.A. Minister of Law and Order stated that out of those held in police custody in 1982, a total of 112 died a "natural death". One hundred and thirteen died from the same cause in 1981, and 105 in 1980.

To keep the public at home and abroad from learning the truth about police crimes, a special amendment was introduced to the Police Act in 1980, forbidding publication of police activity aimed at "preventing terrorist [read national liberation—*M. V.*] activity or combatting it", aside from any information that may be given by the chief of police himself.

In short, when fighters against racism and colonialism, for the freedom and rights of men, fall into the hands of the RSA police, death from torture is a most frequent outcome.

Sentence of death. In South Africa, execution has long since become a "habitual sanction". The magnitude of the tragedy is doubly apparent if we recall that though the population

in the country is less than one per cent of the total world population, it accounts for more than 50 per cent of all executions each year. In other words, there are 150 to 170 executions in South Africa yearly. Protests and pleas of mercy have no effect on the racist rulers. In 1983, for example, the whole world protested against the death sentences of Simon Mogoerane, Jerry Mosololi and Marcus Motaung. In 1984, the public pleaded with Botha to spare the life of poet Benjamin Moloise. In vain.

For dozens of years now, the public is being "inured" to the bloodshed in the streets and the sentences of S.A. courts. What terrible evidence of the moral degradation of the judiciary and of the monstrous criminality of the racist regime as a whole!

Minister of Law and Order le Grange declared in February 1986 that the government would fight the "enemies" of South Africa "until they have gained a different insight or are destroyed". He could not have been clearer in his statement of intent. The terror and violence committed with fanatical consistency and brutal scorn for the dignity of man, will, therefore, continue. Human rights and freedoms, the life and death of millions of S.A. citizens will remain at the mercy of the police and army controlled by a handful of blatant racists. And it is only too certain that they will continue using their power for criminal ends day after day.

"THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT OUR LIVES, UNTIL WE HAVE WON OUR LIBERTY"

In December 1981, the people of Soweto gathered at Avalon Cemetery to unveil a memorial on the grave of a schoolchild who had been the first victim of police abuses on June 16, 1976, the first day of the mass anti-racist actions after Sharpeville. These words were carved on it: "Zolile Hector Petersen. Deeply mourned by his parents, sisters and a nation that remembers. Time is on the side of the oppressed today. Truth is on the side of the oppressed today". Above the inscription, the sculptor carved a fist—symbol of the lawful resistance and struggle of Africans for their rights.

The racist regime's time in South Africa is, indeed, running out. The patience of the people, which had seemed endless, is wearing thin. An irreconcilable struggle is on for the liquidation of apartheid and for a society in which people are equal in dignity and rights, and can say, "We are one people".

There is a limit to everything, after all. So why not to patience? How much longer can Africans suffer the brazen inhumanity of the S.A. racists? A time comes in the life of every people when it either submits or fights for the restoration of justice and respect for man, for his dignity and rights. Has not such a time come in South Africa? Is not the majority of its people entitled to use all available means for ending the inhuman system of apartheid?

At the centre of the struggle stands the African National Congress, a mass organisation that has South Africans of all races and social strata in its ranks. Founded in 1912, the ANC has a long history of action against racism. In the past it appealed to the government, sending petitions and deputations requesting that oppression be relieved.

And the white government responded to each demand and protest with still greater oppression of non-whites, with still more brutal persecution of their leaders, and, finally, in 1960, placed the ANC outside the pale of the law. Nowadays, the ANC has given up its exclusively non-violent methods of resistance. It has become clear, as Albert Nzulu, a prominent fighter against racial oppression, put it, that Africans will be slaves "as long as we think we can beg and pray to this cruel Government".

The Freedom Charter has become the ANC programme of national liberation. It opens with the following words: "We, the people of South Africa, declare for all our country and the world to know that South Africa belongs to all who live in it, black and white."

The Charter further says: "There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races; all people shall have equal right to use their own languages, and to develop their own culture and customs; all national groups shall be protected by laws against insults to their race and national pride; the preaching and practice of national, racial or colour discrimination and contempt shall be a punishable crime; all apartheid laws and practices shall be set aside."

That is exactly what the racists dread, and why they have declared the Freedom Charter seditious, and made possessing it a punishable offense. The Charter was adopted on June 26, 1955, in Kliptown, a township of Johannesburg, at a specially convened Congress of the People attended by more than 3,000 delegates from all parts of the country.

The Freedom Charter is no manifesto of scientific socialism. It is modelled on the 1776 US Declaration of Independence and the Declaration of the Rights of Man of the French Revolution (1789), and resembles the Universal Declaration of Human Rights of the UN of 1948. It enshrines rights that are at least nominally recognised in nearly all countries: equality before the law, the right to elect and to be elected, equal access to education and culture, and equal economic opportunities for all men and women regardless of race and colour of skin.

All the same, in Nelson Mandela's words, the Freedom Charter is "a revolutionary document precisely because the changes it envisages cannot be won without breaking up the economic and political set-up of present South Africa".

The immediate aim set in the Freedom Charter is to tear down the system of white supremacy and create a non-racial democratic state.

On December 16, 1961, Johannesburg, Port Elizabeth and Durban were aroused by explosions in government buildings and other places. This meant that after half a century of non-violent action, the ANC had embarked on armed struggle against the racist oppressors. Since then, the ANC People's Army, the Umkhonto We Sizwe (Spear of the Nation) has been steadily growing stronger.

Today, patriotic armed action has become a habitual occurrence. Magnus Malan, S.A. Minister of Defence, noted that in 1981 Umkhonto We Sizwe armed operations increased in number by 200 per cent. In 1983, he informed Parliament that losses inflicted by these operations in the previous five years totalled R508 million. In 1985, the number of ANC guerilla actions went up nearly 300 per cent against the preceding year. This is a figure given by the Pretoria University's Strategic Studies Institute.

The men of the Umkhonto We Sizwe have taken the following passage from the Freedom Charter for their motto: "These free-

doms we will fight for, side by side, throughout our lives until we have won our liberty". The main field of battle are the towns. True, in a town it is difficult to remain unnoticed, to go to ground after an operation, and to hide weapons without the help of the population. But the town is where strength meets strength, when revolutionary strength meets the strength of the moribund terrorist racist regime.

The racist regime is trying to hold down the ever mounting scale of the armed struggle. The reprisals are becoming tougher, leaders of governments are eliminated (as, say, in the case of Lesotho) for allegedly supporting ANC guerillas, and neighbouring states are invaded on the excuse that terrorist actions are organised on their territory. By now it is more than clear, however, that ANC detachments are based in South Africa itself, that they have their roots in the local communities and maintain close ties with the people.

This was admitted by Law and Order Minister le Grange in February 1986. He acknowledged the grown activity of the ANC's armed wing and admitted that freedom fighters were learning the use of arms at home, in South Africa.

Examining the situation at the Second National Consultative Conference of the ANC in June 1985 (held in Zambia) ANC President Oliver Tambo (as the Parisian journal *Afrique-Asie* reported on August 12, 1985) read the following communique: "Whether we want war or not, the Pretoria regime has given us an object lesson that the only way to prevent bloodshed is to start a war."

The racist clique has denied that it had worked out this solution of the South African problem by itself. But the truth will out. It was most clearly expressed, among others, by Van Zyl Slabbert, a member of the bourgeois opposition. In a telephone interview he gave to an *Izvestia* correspondent on August 1, 1986, he said: "There is a close link between the forcible actions of the apartheid regime and the use of force by those against whom these forcible actions are taken. The oftener resort is made to intimidation, arrests, and dispersal of demonstrations with firearms or tear gas, the more people see force as the only fitting response."

Industrial workers are joining the struggle ever more actively. After years of dogged struggle, Act No. 28 (Industrial Conciliation Act) was replaced by Act No. 94 of the same name in 1979,

which lifted the ban on forming African labour unions. And though this legislation applies to no more than 15 per cent of the African working people, since only Africans living and working in the towns of "white" South Africa are recognised as workers, it affords the opportunity to organise and to come to grips with the exploiters. In the past seven years, the loss of man/days in strikes went up 700 per cent.

Increasing numbers of workers are joining the independent, essentially black, Congress of South African Trade Unions, which now represents over 600,000 workers. A communique issued in the spring of 1986, following negotiations between the ANC and COSATU, says the lot of the black majority in South Africa could be put right only by the national liberation movement with the ANC and all other democratic forces at its head. The Congress of South African Trade Unions is an important component thereof. The communique said the main issue facing the country is that of political power, which cannot be settled without the full involvement of the ANC, the leader and representative of the majority of the black population of South Africa.

The Congress of South African Trade Unions backed the strike on the 100th anniversary of May Day, in which more than two million workers stopped work in response to the appeal of the liberation movement. Six weeks later, the ANC called for a general strike to mark the 10th anniversary of the Soweto events of September 16. Nearly all enterprises in South Africa stopped work that day.

The regime is badly troubled by the nature of the alliance between the ANC and the South African Communist Party, which stands in the front ranks of the national liberation movement.

Addressing the parliament in June 1986, President Botha said the new state of emergency was due to destructive forces being guided by Moscow against the RSA with the object of wiping out civil values and depriving the West of its crucial strategic bastion in the south of the African continent. He went so far as to say that the South African Communist Party was "simply a tool of Moscow", while, he said, the ANC was no more than a cover for it.

Replying to this lie, the Central Committee of the South African Communist Party said it was true South Africa was in the throes of a revolution, but that the reason the oppressed majority

had risen should not be traced to any "international communist conspiracy" but to the determination of the people to end the horrors of apartheid that are crippling their lives. The statement said the South African Communist Party did not follow Moscow's directions for the simple reason that there weren't any. Neither did the Communist Party direct the activity of the ANC, as Botha speciously maintained. The ANC and the Communist Party were two independent organisations, the statement said, whose fraternal ties shaped naturally over the decades and whose immediate aims coincided. Members of the Communist Party were also members of the ANC, obeyed ANC discipline, and performed their duties according to ANC directives like its other members. The Communist Party, the statement stressed, could not and did not want to direct the activity of the ANC.

Botha was deeply mistaken when he tried to separate the Communists from those whom he called "true nationalists" in the ANC. That was an old imperialist ruse of divide and rule. The racists resorted to it in a desperate attempt to weaken the liberation forces that rose against them. The ANC and the Communist Party have no reason for rivalry or conflict. The banners of the ANC and the Communist Party are being hoisted everywhere in the country these days.

It should be remembered, however, that the liberation struggle in South Africa is highly complicated. South Africa, says the Programme of the South African Communist Party, is a new type of colonialism, "in which the oppressing White nation occupied the same territory as the oppressed people themselves and lived side by side with them". This has left its imprint on the national liberation movement there, and offers the racists a chance to manoeuvre.

Not every white in the RSA is a racist. But the bulk of the white population enjoy the economic, social and political privileges of apartheid, and therefore support it.

Neither can every black be considered an opponent of apartheid. In the bantustans, the authorities cultivate a black bourgeoisie, a kind of "middle class" which is often pleased with the state of affairs, collaborates with the regime, and helps it pacify protesting countrymen.

Neither should we overlook the fact that the influx into the country of migrant African workers is fairly high, that tribal strife

between them is artificially incited by the racist regime. There are also distinctions in the social and legal status of the African urban proletariat, on the one hand, and workers in the reserves, on the other. Various organisations of the African and coloured population are not always helpful in furthering the movement against the colonial and racist regime. In other words, there is as yet no due unity, so essential for the struggle. And though capitalism is the main cause of all the evils (racial discrimination, division of people by the colour of their skin, unbridled national oppression, etc.), struggle against capitalism as such is not yet being defined as the immediate task. The overthrow of capitalism will be put on the order of the day, said Moses Mabhida, General Secretary of the South African Communist Party, "when the people of South Africa realise that their main enemy is the class that appropriated all the basic means of production. But for this it must first of all shake off colonial, racial and national oppression." Patriots are today concentrating their effort on that very task: to put an end to racist colonial supremacy and establish a non-racial democratic state.

YOU CANNOT MAKE EVIL LESS EVIL

The assault on the apartheid regime is gaining momentum. The public outrage across the world is also gaining in intensity. The racist clique in Pretoria is compelled to manoeuvre and to change tactics in a bid to delay the inexorably approaching day of its downfall. No, it has not renounced the killing and suppression which have made it a despised leper in the family of nations. But it is resorting to "liberalism" to save its regime, going through the motions of granting political rights, reforms, concessions, of altering what it calls the original formula of apartheid. The most glaring expression of this carrot policy is the so-called era of institutional reforms (of apartheid) announced by the regime at the end of the seventies. What was it in substance and how did it end?

The main purpose of the reforms was to touch up the façade and change nothing inside the house. In other words, the aim was to eliminate or mitigate some of the especially despicable de-

tails of the edifice. As a result, the notices "for whites only" and "for blacks" were removed from beaches, garden benches, toilets, restaurants, and a number of other places. In mid-1985, the regime lifted the ban on inter-racial marriages. A few months later, Africans, Indians and coloureds were promised they would be allowed to travel in the same railway carriages as whites, though with the reservation that there would still be compartments "for whites only". Office clerks of African ancestry can now have their lunch-hour hot dog together with their white colleagues. Black traffic policemen can now issue tickets to white offenders. In the larger cities, Africans may even stop in the same hotels as whites. Non-observance of various inhuman bans is no longer a criminal offense.

Some of the manhating rules of economic and labour relations have also been relaxed, because apartheid in its classical form began to hold back the growth of the country's productive forces and thereby the growth of the capitalist economy. Harry Oppenheimer, the diamond king, said on this score that apartheid was retarding the development of modern industries because most skilled jobs can be performed by whites only, with only a minimum access to them of blacks. These days, he added, the economy calls for the joint effort of all South Africans, black and white, which is incompatible with tribalism, and the fears and prejudices on which apartheid policy reposes.

It was this as well as the powerful pressure of workers battling for their rights* that forced the racist regime to lift the more disgusting racial restrictions in such fields as education, employment, trade unionism, and so on.

The amendments introduced in the country's constitution were the summit of the "reform era". Under the touched-up constitution, a president with supreme powers heads the Republic of South Africa since September 14, 1985. The unicameral parliament that consisted exclusively of white deputies now has three chambers—one of 185 deputies representing whites, of whom there are about 4.6 million; one of 85 deputies representing persons of mixed race (coloureds), of whom there are about 2.7 million, and one of 45 deputies representing Indians, of whom

* As rightly noted by André Brink, a prominent South African writer, each little reform of the past ten years was paid for with blood.

there are over 850,000. The number of seats in each chamber speaks for itself: the white minority is assured a majority in parliament at all times. Besides, the two new chambers deal only with issues that refer to their own racial groups. To put it more accurately, deputies of the new chambers may exercise their rights not as citizens of their country but only as representatives of their ethnic community.

Besides, whites, coloureds and Indians are not the only people living in South Africa. There are also 25 million Africans. But the "reformed" constitution denies them representation in parliament. As before, they have no right to elect or to be elected. Even mention of the one man-one vote formula is outlawed. Neither did the constitutional reforms change anything in the other basic rules of apartheid—the racial classification of the population, the plunder of land, the settlement of Africans in bantustans and racial ghettos, racial discrimination in education and in access to the gains of culture. And the central issue, that of giving power to the black majority, was not even raised.

Commenting on the apartheid reforms, *The New York Times* wrote: "And how meager is even this list." The judgement of Breyton Breytenbach, South Africa's best known poet, was more conclusive still: in a conversation with a Reuters correspondent on April 13, 1986, he said the reforms were an attempt at adapting to the new conditions while retaining the main thing—the white monopoly of power. This is only too true. Breytenbach served seven years in prison for anti-racist actions, and then spent four years in exile until April 1986. Thereupon, he returned to South Africa to receive a literary prize that had been awarded him there by public acclaim. He has better grounds than most to express the above view.

Progressives all over the world and the community of nations have rejected the constitutional and other reforms of apartheid as being contrary to UN resolutions and international law. They were also rejected by the majority of South Africans. The new RSA constitution was, indeed, voted in by 1,360,000 ballots of just the white voters. After its adoption in September 1984, unprecedentedly large protest demonstrations swept the country. They are continuing to this day. The racist government responds with brutal reprisals. A state of emergency has been imposed in 36 areas. Not only the police but also the army went into action

against the people. There is endless bloodshed in towns and townships. By August 1986, the death toll rose to over 3,000 people.

In a setting like that, wading up to their necks in the blood of their innocent victims, the racist chiefs have again begun talking of evolutionary changes and peaceful reforms.

Their purpose is obvious. A revolutionary people cannot be cowed into submission. But it can be deceived for some of the time. The intensity of the struggle may be temporarily mitigated. Besides, the talk of reforming apartheid, and the concessions as such, help avoid greater isolation on the international scene. This allows the regime time to gather strength and crush opposition and resistance.

On April 23, 1986, Pretoria revoked the pass laws, the most hateful of all. The racists believe this gesture will create the desired impression that apartheid is wilting and vanishing.

The same purpose is pursued by the racists' statements that they will go still farther in the near and far future. And it is entirely possible that with their backs to the wall they will indeed go farther still, with their reforms yielding certain benefits to the oppressed, some of whom will thus be appeased. But those who take the fight only halfway, will be digging their own graves. For that is what the racists are counting on. Regaining strength, the racists will show no mercy. This is borne out not only by past events, but also those of today.

In April 1986, on the day the pass laws were revoked, the racist government was vested with new powers in combatting "unrest". The Minister of Law and Order was given the right, not subject to appeal, to declare any area where "disturbances, mutinies and mass disorders" occurred an "unrest area" and to introduce there "requisite regulations" to restore order.

This was announced on April 23, and on June 12 already the government reintroduced a state of emergency countrywide, not only in "unrest areas". And again leaders of the people were subjected to arrests, expulsions, imprisonment, torture, and death. Government-backed so-called vigilantes belonging to various neo-fascist groups roamed the streets—killing, killing, killing. The living barely had time to bury the dead. Previously, the radio regularly reported the number killed that day for opposing apartheid. Now, information of that sort is categorically forbidden.

Since the state of emergency was declared, foreign correspondents were invited to Room 159 in the block of government buildings in Pretoria for news. Now, the subject of casualties is taboo here as well.

On June 30, *Newsweek* carried a transcript of the kind of conversation correspondents have in Room 159, and in so doing adhered strictly to the instructions of the racist authorities:

"*Question*: Eleven dead in one day (June 16) is the highest death toll we've seen in months. Would you care to comment on that?

"*Answer*: In nowhere was there mass unrest. The day was a success. There were no incidents in white areas...

"*Question*: (Under the emergency decree this question cannot be directly quoted. It concerned a number of people who were said to have died in one of the 'homelands'.)

"*Answer:* We are not making this forum available for you to make wild and inaccurate accusations.

"*Question*: (Under the emergency decree this question cannot be directly quoted. It concerned the reporter's eyewitness account of the wounding of a four-year-old girl.)

"*Answer:* You may not report on any of those things. And another thing, ladies and gentlemen: our purpose is not to limit bona fide questions. But I want to make it clear that if the purpose of this forum is to use it as a platform to make statements on the state of emergency, then we will not allow that...

"*Question:* Can you tell us why you will not give the total number of detainees?

"*Answer:* (Long pause). No."

The printer's ink wasn't dry yet when the *Newsweek* office in Johannesburg received a short notice to the effect that its chief, Richard Manning, was to leave South Africa within three days. And censorship isn't the only new measure: public speeches at funerals of victims of racist repression are banned. The number of people at funerals is limited to 200. The United Democratic Front, a legal organisation that takes charge at people's actions, is about to be attacked and disbanded. To divide the tribal groups, Pretoria has announced that "independence" would soon be granted to KwaNdebele, one more bantustan. To give a "democratic" look to the whole process of gagging the public and the press, of arrests, killings and clubbings, the Supreme Court of

the Republic of South Africa ruled that the state of emergency was a "lawful measure".

Nothing novel about that. Oppressors who are about to leave the stage of history are the last to be convinced that their game is over. They think the cracks in the decayed edifice of the old regime can still be mended, that repairs can save it from collapsing. They take up arms and stop at nothing to maintain their supremacy and privileges. The oppressed in South Africa should have no illusions on that score.

A rally of the neofascist African Resistance Movement held in April 1986 in Krügersdorp set itself the task of safeguarding the full measure of white supremacy in South Africa. An identical platform was proclaimed by white extremists in Natal Province. The newspaper *Rapport* reported in June 1986 that the African Resistance Movement was going to put out special militarised lectures for teenagers. These lectures, the ARM chiefs said, would teach teenagers to handle firearms, so that they would know what to do "against mutinous blacks".

In mid-August 1986, the congress of the Nationalist Party reaffirmed the policy of apartheid, of creating "independent" bantustans, and of suppressing the foes of apartheid.

In the light of these resolutions all talk of an "evolutionary reform" of apartheid sounds ominous. It is no more than a screen for the all-white preparations to loosen more carnage and bring the rebellious African people to their knees. What is evil is evil. It cannot be made less evil.

I cannot help recalling what Oliver Tambo, President of the ANC, said to me in May 1985 when we met in Lusaka, the capital of Zambia. "The continuous talk of reforming apartheid," he said, "is nothing but deceit both of the people of South Africa and the world public. The system of apartheid has always been and always will be the ultimate violation of human rights and international law. It cannot be democratised or reformed. Apartheid is just as systemic and just as evil as the Nazi institutions were, and must be wiped out just as they were wiped out. Transfer of power to the oppressed majority is the only acceptable and lawful reform in South Africa today."

POISED FOR WAR AGAINST EVERYBODY

Knowing that reforms of apartheid will not resolve any of the acute domestic and external contradictions, the racist clique has over the years, behind a screen of "liberalising" and "reforming" apartheid, militarised the state to the utmost.

Here are a few pertinent figures:

In year 1960/61 military expenditures totalled R44 million, R344 million in 1972/73, R3,750 million in 1983/84, and as much as R5,257 million in 1986/87. In other words, for every Rand spent in 1960 they are now spending nearly 120. A staggering and record increase!

The police force has grown over these years to 47,000, and the Defence Force to at least 85,000, not counting reservists. The term of service in the Defence Force is being steadily increased. Under the new legislation, 1983 conscripts will still be reservists in 2020. Young men serve in the Defence Force for two years, and are then summoned for a few months' training annually in the next twelve years, whereupon they are assigned to various reserve forces.

As pointed out in a white paper on defence and armaments (put out in May 1986), the government intends to expand the existing practice of conscripting non-whites, including Africans. It is also planning to expand the police force. According to a France Presse report, Law and Order Minister le Grange announced on February 18, 1986, that the South African police would be nearly doubled "to cope with the present unrest situation".

In 1980, as many as 185,042 permits to carry firearms were issued in South Africa. By September 1985 the total of these permits exceeded a million and a half. Practically the entire white adult population, including women, are learning to handle pistols and rifles. And now, as reported by the South African newspaper *Rapport,* teenagers are also being taught the use of arms.

The Republic of South Africa ranks tenth among the capitalist states in output of weaponry, including supersonic fighter aircraft and six-by-six howitzers of 40-km range. More than 140 types of ammunition is being put out, including napalm.

The main supplier of arms is the Armaments Development and Production Corporation (ARMSCOR). In 1968, when it was

founded, it received R32 million from the state, R979 million in 1979, and, according to *The Financial Times,* as much as R1,800 million in 1981. It employs some 30,000 people.

In addition to its own plant, ARMSCOR has some 800 subcontractors in the private sector. *The Washington Post* described a bunker-like reinforced-concrete ARMSCOR building where African workers cautiously attached detonators to the explosives for 90-mm artillery shells. Four years before, it reported in July 1981, the installation made 400 shells a day, whereas at the time of writing the daily output had risen to 2,000. It comes as no surprise, therefore, that at present South Africa produces from 85 to 90 per cent of its own arms and ammunition.

Atomic arms development began in the country years ago. There is undeniable evidence that a nuclear device was tested there in 1978. The racist industry of the RSA has also developed aircraft and artillery to deliver atomic warheads to targets. The country's nuclear capability is being built up.*

The State Security Council is playing an ever bigger part in the country's militarisation. It was established back in Vorster's time, when it performed no more than consultative functions. In 1978 it was reinforced with top military officers, and now includes the ministers of defence, law and order, and external affairs, as well as the chief of intelligence, the commander-in-chief of the Defence Force, and the top-ranking security officer. In short, it has among its members the entire racist "elite".

The Council gathers twice a month. It coordinates the activity of army, police, intelligence and civilian services suppressing or neutralising opposition forces, and makes all the more important political decisions. The influential Johannesburg *Star* once described it as the supreme body handling a wide range of governmental problems. Under the new constitution the standing committees of the State Security Council do not even formally come under parliamentary control. Small wonder that the former leader of the Progressive Federal Party, Federik Van Zyl Slabbert, referred to parliamentary procedures as no more than an "expensive ritual".

As we see, the racist clique is farthest from the thought of scrapping its criminal policies. Like the Nazis in Germany, it

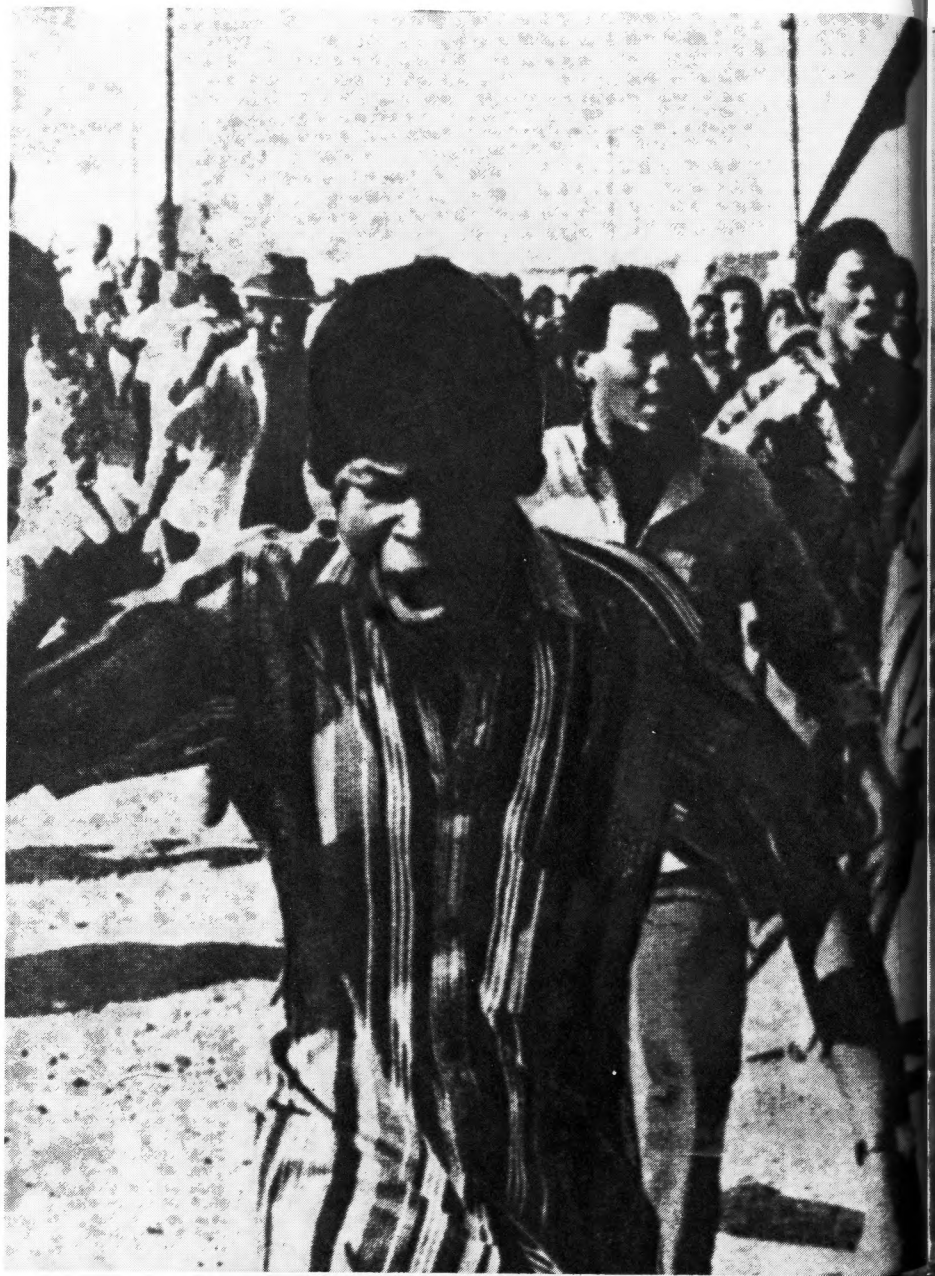
* See Chapter 4 for more details.

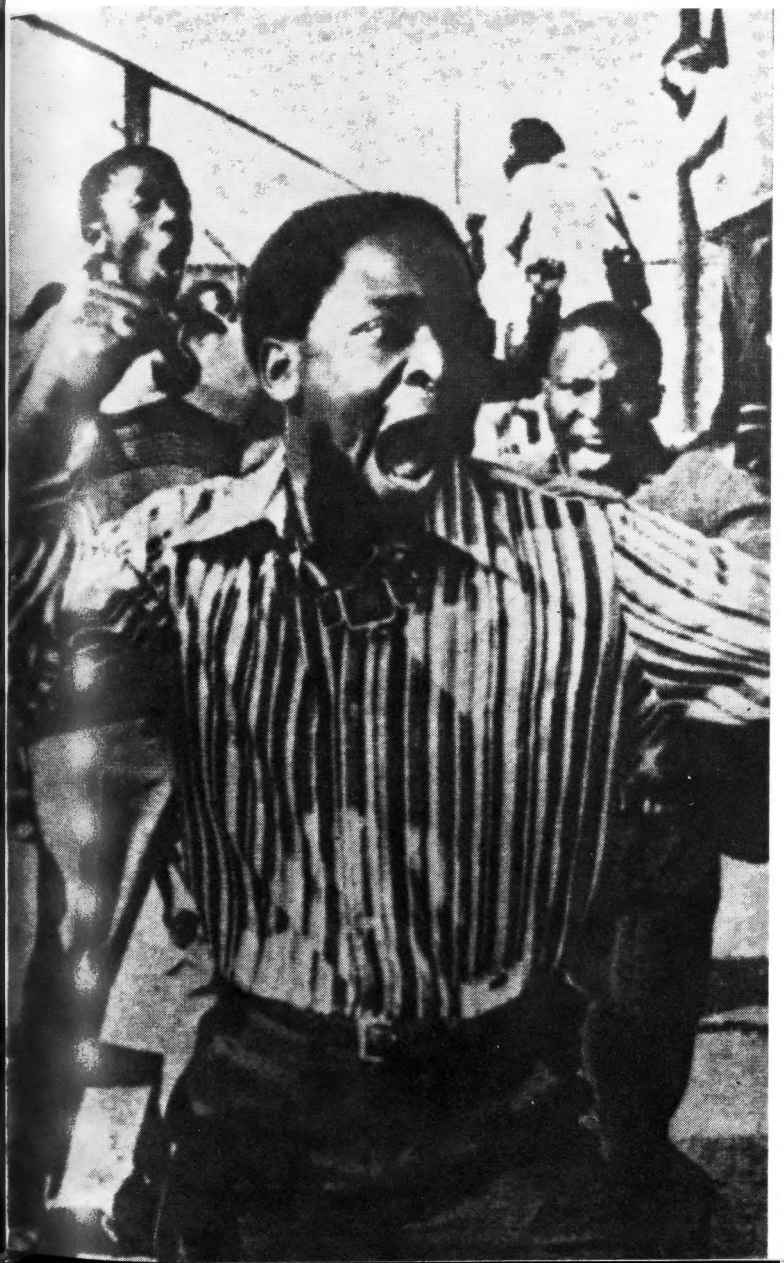
counts on armed force to guarantee it social stability and aggressive expansionism. It sees armed force as the prime guarantee of future "victories" above all in the war against its own people, and other peoples.

Owing to the leap of the military budget from R44 million in 1960 to R5,257 million in 1986, South African military power has not only long since exceeded that of its neighbours in southern Africa, but has also become the largest on the continent. And the country's militarisation is continuing. Its scale is obviously far greater than needed for defence, and every one in his sound mind is aware that its aim is not defence but aggression. The recent past is clear evidence of this, and the present facts bear it out still more forcefully.

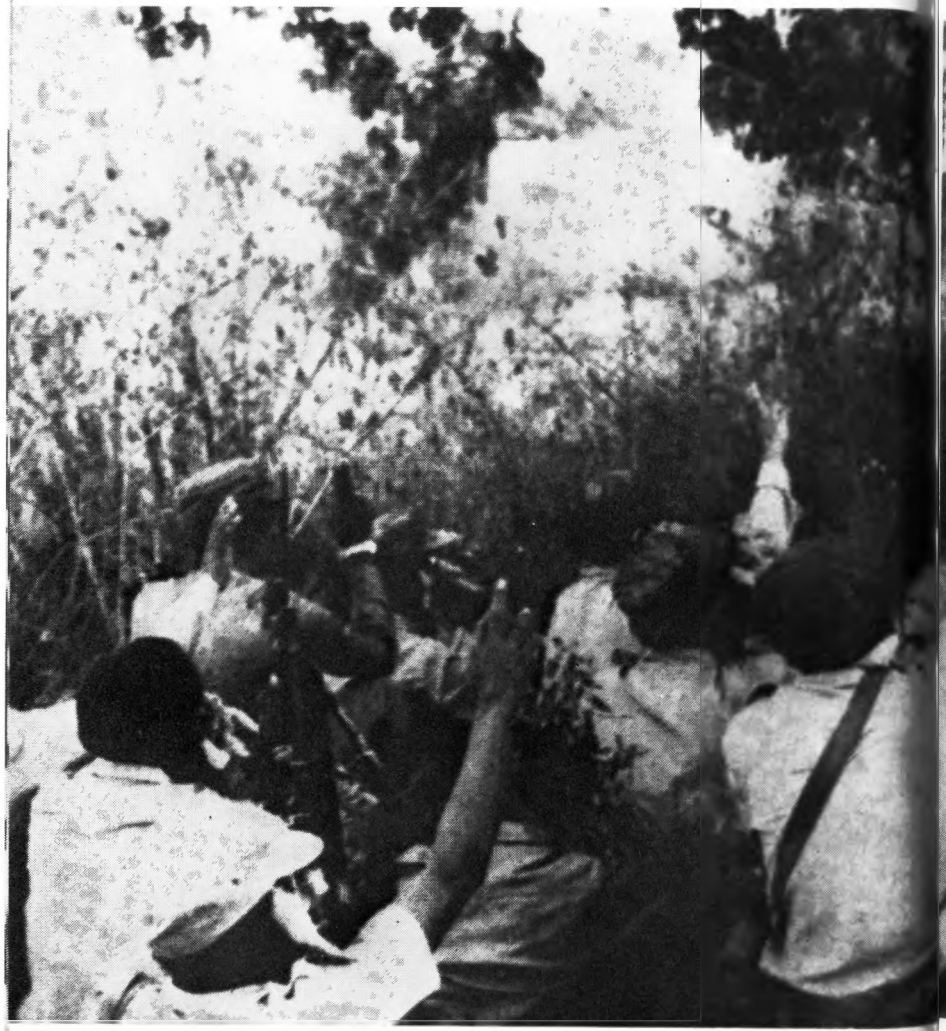
Under the African National Congress banner against apartheid

Down with apartheid! Anti-racist actions in Soweto





Student demonstrators in Johannesburg demand that the army and police stay out of the African townships



Training at a base of the Umkhonto We Sizwe, the military arm of the African National Congress

A rifle is the lawful weapon of embattled peoples. Men of the SWAPO People's Army on the march

2 Chapter SOUTH AFRICA— AN OCCUPYING STATE

Thrice Stolen

The Rape of Namib Desert

Reliance on Bayonets

A Policy of Accomplished Facts

Smash the Colonial Chains

THRICE STOLEN

The crimes of the apartheid regime in South Africa are not confined to inhuman treatment of the country's own non-white population. No less criminal and monstrous are its lawless acts in Namibia—a country thrice stolen from its people.

The first time in 1883. In the early spring of that year a steamer set out from Hamburg to Africa, its holds full of goods. The agents of Adolf Lüderitz, a Bremen merchant, who arrived aboard the ship, landed on the south-western coast of Africa. The local tribal chiefs, tempted by the sight of unfamiliar goods, agreed to sell the Europeans plots of land along the shore. They had no inkling what a high price their people would pay for this. In early August 1884, the imperial German flag was hoisted on the barren coast in the presence of two companies of German marines. That was the beginning of South West Africa's modern history. The words, "German colony", were added to its geographical name.

Kaiser Germany lost World War I. Under the Versailles Peace, the Entente countries freely, sincerely, and absolutely impartially settled all colonial disputes, stripping their German rival of his African colonies. And under Art. 22 of the Covenant of the League of Nations, which proclaimed the wellbeing and development of peoples not yet able to stand by themselves under the strenuous conditions of the modern world a sacred trust of the civilised world, the mandate for South West Africa was handed to the Union of South Africa, a British dominion. That was how the country was stolen from its people the second time.

The crime that continues to this day was, in effect, first committed in 1946. Under the UN Charter, all territories held under mandate before World War II were to be placed under UN trusteeship. On February 9, 1946, in its Resolution 65(I), the UN General Assembly warned that "any delay in putting into effect the system of international trusteeship prevents the implementation of the principles of the Trusteeship system, as declared in the Charter". In 1953, the UN General Assembly again called for the inclusion of South West Africa in the UN trusteeship system, and strongly censured South Africa's administration of the territory. But Pretoria ignored this and other warnings. Resorting to underhand ruses and diplomatic manoeuvres, it evaded transferring the

administration of Namibia (then called South West Africa) to the UN for twenty years.

On October 27, 1966, the UN General Assembly, backed by most of its member-states, terminated South Africa's mandate for the administration of South West Africa, saying that South Africa had failed to ensure the moral and material wellbeing and security of the stock population.

It was pointed out that the people of South West Africa had inviolable rights to self-determination and independence, that the territory retained international status, and that the administration of the territory until independence would be the competence of the United Nations.

A special session of the UN General Assembly in May 1967 appointed a United Nations Council comprising eleven member-states to administer South West Africa until independence.* It requested the Council to immediately enter into contact with the authorities of South Africa in order to lay down procedures for the transfer of the territory. It set June 1968 as the date by which South West Africa should attain independence.

South Africa refused to abide by that ruling of the UN General Assembly. More, it introduced troops into the country, and thus stole Namibia from its people a third time.

This was juridically and factually an annexation, that is seizure with resort to force of the territory of another state, nation or ethnic body, or forcible keeping of that nation or ethnic body within the borders of another state. In the eyes of any person unacquainted with international law, annexation is purely and simply an act that, if committed between private persons, would be called an armed robbery.

Annexation, a widespread means used by exploiter states to seize alien lands forcibly in the past, has been outlawed in our time.

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* The Council is the sole lawful administrative power for Namibia. It alone is authorised to represent Namibia and to act in its name in international agreements. On December 10, 1982, for example, the UN Council for Namibia signed the Convention on the Law of the Sea, and on April 8, 1983, the Final Act of the Vienna Convention on Succession of States in Respect of State Property, State Archives and State Debts. South Africa's systematic attempts to represent Namibia on the international scene are opposed by the world community as unlawful and juridically null and void.

Modern international law forbids annexation. Setting borders by force and contrary to the will of the population is incompatible with the UN Charter, under which member-countries "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any member or state", and are obliged to respect the principle of equal rights and self-determination (Arts. 1 and 2). "No territorial acquisition resulting from the threat or use of force shall be recognised as legal," says the 1970 Declaration on Principles of International Law. Besides, Article 3 of UN General Assembly Resolution 3314(XXIX) of December 14, 1974, "Definition of Aggression", qualifies invasion or attack by the armed forces of a State, or any military occupation, however temporary, resulting from such invasion or attack, as an act of aggression. And it was through the commission of aggression, a grave international crime, against the UN, the juridical trustee of Namibia, and against the Namibian people, that the most tragic period of racist colonial rule began in that long-suffering country.

THE RAPE OF NAMIB DESERT

In 1908, a common railway employee named Strauss chanced to pick up a few large diamonds in the Namib Desert. But the subsoil and waters of Namibia have more than just diamonds. The country ranks 17th in the capitalist world for extraction and supplies of minerals in volume and 4th in value. The minerals that constitute the national wealth of Namibia may be classified under three heads.

Uranium, coal and oil come under the head of *fuel and energy*. Their reserves have not been conclusively prospected, but are known to be highly promising. Deposits of uranium ore, estimated at 100,000 to 120,000 tonnes, are the most actively plundered. It is estimated that the 10,000 tonnes of uranium ore mined annually in Namibia so far covered 10 per cent of the world demand. With uranium output declining in South Africa, Namibia is expected to become Africa's biggest exporter of uranium to capitalist countries. According to the January 19, 1983 issue of *Africa Confidential,* a bulletin published in London:

—Japanese power utilities signed contracts for 30,000 tonnes of Namibian uranium to be delivered between 1977 and 1990;

—France is due to receive 11,080 tonnes of Namibian uranium from 1981 to 1990;

—Urangesellschaft and Veba of the FRG contracted to buy 6,140 tonnes of uranium from 1975 to 1986.

The rising demand for uranium and the related advantages of mining it have impelled prospecting. In the early 1980s considerable deposits of uranium ore were said to have been discovered in Damaraland. A major deposit was also found in Langer Heinrich, with an estimated annual yield of 2,500-3,000 tonnes of high-grade uranium oxide. Prospecting for this strategic energy-yielding mineral continues. This means the racists and the imperialists intend to stay on in Namibia, and will, therefore, do their worst to suppress its people's striving for independence.

Rare minerals. First of all Namibian diamonds mined on land and off-shore. Sales cover up to 5 per cent of annual world demand amounting to about 40 million to 43 million carats (a carat equals one-fifth of a gramme). The diamond demand is rising, for apart from its use in jewelry, it is used in certain instruments. Western experts estimate that the US industrial potential would drop by half or even two-thirds if it stopped importing diamonds, because diamond tools raise metal-working productivity by as much as 50 per cent. Among other rare but economically and strategically important minerals found in Namibia are gold and silver, vanadium, lithium, tungsten, cadmium, tantalite, beryllium, germanium, etc. Their physical yield does not seem high. The output of pure cadmium, for example, totals an annual 80 tonnes, but it amounts to 1 per cent of world output. On the other hand, modern technology would be impossible without these minerals. Germanium, for example, is used for super-integrated circuits in mini-computers and for lasers.

Base metals and other minerals. Copper, lead, zinc, manganese, iron, salt, pyrite, and so on. Their deposits are considerable, and mining is unimpeded.

The day the news of Strauss's find of diamonds reached Europe, imperialist predators converged on Namibia.

At present, the immediate culprits of the massive plunder of Namibia's national wealth are the racist authorities of South Africa and various transnational corporations, which, indeed, deserve to be examined more closely.

Transnational corporations are private capitalist monopolies

that operate outside national borders in more than one country. Their one aim is to rake in the maximum profit.

The net input of the transnationals in Africa in the ten years of 1970-1980 was 10.4 billion dollars, while profits shipped out totalled 23.9 billion. It follows that the newly-free countries pay the transnationals a lot more than they receive from them.

Attempts to restrict transnationals by a Code of Conduct which the UN had been working on since 1977, have so far yielded no results. And it may be safely conjectured, they will yield none in the future.

Most transnationals are US monopolies. The complex of enterprises they are running abroad are at present additionally employing an army of industrial and office workers equalling half the work force in US manufacturing. Today their output of goods and services is worth something like an annual 1.5 trillion dollars, or nearly 40 per cent of US gross output.

We should also remember that the transnationals are a powerful instrument of political pressure exerted by the United States and other imperialist powers on countries where they are active. Vivid examples of such interference are the ITT, Anaconda, and Kennecott activities in Chile, which resulted in the overthrow of the Allende government.

In short, transnational corporations are not the movers of technological progress and economic growth in underdeveloped countries that certain quarters say they are. They move into other countries to squeeze everything out of them, and certainly not to further the wellbeing of their peoples. And they pursue their aim in a most effective manner.

Nor is Namibia an exception to that rule. Something like 140 US, Canadian, West German, French, Dutch, Swiss, and Italian companies are active in its territory. And the nearly 200 South African monopolies stand in one line with the foreign. The main one is De Beers, which controls the rich diamond deposits in Namibia's Atlantic seaboard and nearly 80 per cent of the world market of unpolished diamonds. South African corporations are also busy ravaging the country's fisheries, and, hand in hand with the white farmers, the products of Namibian agriculture.

The main plunderers of Namibia, however, are the Consolidated Diamond Mines of South West Africa (RSA, Britain, France), Rössing Uranium (Britain, RSA, France), and Tsumeb

Corporation (USA, Britain, RSA). These three transnationals own something like 90 per cent of the assets in base metals, uranium, and diamond mining, that is in fields which account for nearly half of Namibia's gross domestic product and for more than three-quarters of its export. The volume of what they take out of the country increases from year to year. This is borne out by the rise of the gross domestic product and its distribution. Here is how the gross domestic product of Namibia increased in recent years (mln Rands):

1946	22.2	1970	348
1960	142	1976	755
1966	300	1980	1,350
		1985	1,750

Experts of the Anti-Apartheid Movement in Britain estimate that up to 65 per cent of Namibia's gross national product is appropriated by transnationals: 50 per cent goes to them as profit, they pay 15 per cent in taxes to the unlawful South African administration. Another 24 is appropriated by white employers and employees, who make up a mere 8 per cent of the country's population. Black workers, farmers, and people in other walks of life, or 92 per cent of Namibia's population, whose labour creates nearly all the country's wealth, and who are the true owners of that wealth, receive only slightly over 10 per cent of the GNP.

Plunder has always and everywhere been a transgression of the law. It is a crime that disgraces a state no less than theft disgraces an individual. And it so remains in Namibia today.

In June 1971, the International Court of Justice ruled that the continuing South African presence in Namibia was unlawful. It also declared null and void all acts committed in the name of or with regard to Namibia.

On December 13, 1974, UN General Assembly Resolution 3295(XXIX)approved Decree No. 1 on the protection of Namibia's natural resources, passed by the UN Council for Namibia, and asked all countries to abide by it. The Decree said that "no person or entity, whether a body corporate or unincorporated, may search for, prospect for, explore for, take, extract, mine, process, refine, use, sell, export, or distribute any natural resource, whether animal or mineral, situated or found to be situated within the territorial limits of Namibia without the consent and per-

mission of the United Nations Council for Namibia or any person authorised to act on its behalf for the purpose of giving such permission or such consent".

The exclusive right of the people of Namibia to the wealth of their land is also entrenched in other UN documents: the UN General Assembly Resolution 3016(XXVII), which requests the Economic and Social Council to accord high priority to the item entitled "Permanent sovereignty over national resources of developing countries"; the Declaration on the Establishment of a New International Economic Order [Resolution 3201(S-VI)]; the Charter of the Economic Rights and Duties of States [Resolution 3281(XXIX)], and others.

"All peoples may," says the International Covenant on Economic, Social and Cultural Rights, Part I, Art. 1, "for their own ends, freely dispose of their natural wealth and resources... In no case may a people be deprived of its own means of subsistence."

The law, as we see, defines very clearly the substance of what is right. But the people of Namibia have no state of their own and, consequently, no instruments that could ensure compliance with the law. As a result, United Nations standards are flouted with impunity. As the United Nations Council for Namibia said in its 1984 report, neither the South African racist regime nor the transnational corporations nor any government of any imperialist power heed the restraints. The all-out plunder of Namibia's wealth continues.

RELIANCE ON BAYONETS

Yet another grave crime is being committed on Namibian soil, and has been for years and years. The racist regime is denying Namibians their right to self-determination and to establishing their own, independent state.

In September 1960, the Soviet Union submitted to the 15th UN General Assembly the draft of a declaration on the granting of independence to colonial countries and peoples. The Soviet initiative was backed by the socialist countries and by many Asian and African states. On December 14, 1960, the Declaration was adopted, with 89 countries voting for and 9 abstaining (USA, Britain, South Africa, France, Portugal, etc.). It solemnly pro-

claimed "the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations".

The importance and role of the Declaration in furthering self-determination cannot be over-rated.

The colonial powers never granted independence to their colonies of their own free will. International law could not make them do so. In Arts. 73 and 76 the UN Charter lists only such obligations as to promote the colonies' political, economic, social, and educational advancement; to protect them against abuses; to assist them in the progressive development towards self-government or independence, and so on. The Charter says nothing about granting the colonies independence on the self-determination principle. Nor could it. For at the United Nations Conference in San Francisco in 1945, Britain's delegate Lord Cranborne protested that self-determination and independence "is not in the minds or desires of the great majority of colonial peoples" because most of them are "small, poor, and defenceless and could not stand on their own feet".* Small wonder, therefore, that for the colonial peoples independence was always the result of a persevering and resolute, either peaceful or non-peaceful, national liberation struggle.

In the light of this, the historic importance of the Declaration is that it gave full and categorical confirmation to the principle of self-determination, first introduced in the system of international law by the UN Charter (Arts. 1 and 55) as the sole means whereby the colonial peoples can attain independence, freely acquire their political status, and make their economic and social progress. From that moment on, the liberation of colonies became a tangible prospect, an aim officially recognised by the international community, one that should and could be achieved without delay.

Not only did the Declaration come out for the unconditional extirpation of colonialism. It also clearly defined the politico-legal guarantees for that aim to be successfully achieved. In other words, the Declaration shifted the focus from the mere proclama-

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* *Documents of the United Nations Conference on International Organization. San Francisco, 1945,* Volume VIII, Commission II, General Assembly, 1945, UN Information Organizations, London, New York, pp. 145, 146.

tion to the actual exercise of the formal right to self-determination.

It passed on from the preliminary terms for the granting of independence, recorded in the UN Charter, stating that the extirpation of colonialism should be "immediate", "without any conditions or reservations, and regardless of race, religion and the colour of skin", and that it should apply to colonialism "in all its forms and manifestations", including any form of segregation and discrimination. Trust and non-self-governing territories and all other territories that had not yet attained independence were to be liberated without delay. And it was specially stressed that "inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence".

The Declaration forbade "all armed action or repressive measures of all kinds directed against dependent peoples" and violation of "the integrity of their national territory". It also called on all countries to do what they could to help oppressed peoples liberate themselves—help not only by word or moral support, but also materially. A special UN agency was formed, the Committee of 24, called upon to act in furtherance of these principles.

Thus, the Declaration went a step further from the mere recognition of the right of peoples to self-determination, and allowed direct assistance in extirpating colonialism as a system that oppressed and enslaved peoples. More, survival of that system, even delay in granting independence to colonies, is looked upon as a breach of human rights and international law.

At its 20th session, in Resolution 2105, the General Assembly condemned colonialism as "a crime against humanity" liable to jeopardise international peace. And no crime must go unpunished. In other words, failure to abide by the obligation not to obstruct peoples in the free determination of their political future must be subject to the sanctions envisaged in the UN Charter.

The moral condemnation of colonialism and the juridical recognition that it is unlawful have effectively furthered the anti-colonial struggle. As a result, most colonial countries gained freedom and independence.

When World War I began, colonial and semi-colonial lands accounted for 72 per cent of the land area of the globe and for 69 per cent of the world population. Now the General Assembly's

list of territories to which the Declaration applies, contains 23 colonial (non-self-governing and trust) territories with a total population of 6.2 million, or 0.3 per cent of the world population, and less than 1 per cent of its land area. Along with Puerto Rico and the Marshall, Mariana and Caroline islands held by the United States, Gibraltar and the Falklands which Britain clings to as colonial possessions, and a few other territories, the list names Namibia, the biggest land unlawfully occupied and held in colonial dependence by the racist South African regime.

Under international law occupation does not imply sovereignty of the occupying state over the occupied territory. The people inhabiting that territory remain its masters as a material expression of their independence. For this reason, that territory cannot be the object of military occupation and, indeed, of any other acts of force carried out directly or indirectly by other states for any reason whatsoever. Such is the formula of international law. In 1966, when the UN General Assembly stripped South Africa of the right of administering Namibia, it again reminded the South African authorities of this and called upon them "to refrain and desist from any action, constitutional, administrative, political or otherwise, which will in any manner whatsoever alter or tend to alter the present international status of South West Africa".

Yet the findings of the International Commission and various universally known facts show beyond question that the racist occupation forces, relying on their bayonets, did everything they could to make Namibia the fifth province of the RSA in defiance of the principles of international law and the appeals of the United Nations.

To begin with, this unlawful policy amounted to undisguised export of the criminal system of apartheid to the occupied country. Acting on the laws and regulations of "separate development" applied in South Africa and totally unlawful with respect to Namibian territory, the racist occupation forces singled out those of its residents who come under the head of the "master race", i.e. whites, of whom there are slightly over 100,000 out of a total population of about 1,250,000. Today, whites account for 80 per cent of the best land with good pastures and fertile soil, with roads, ports, airfields, towns, and mineral deposits; 66 per cent of the livestock; 90 per cent of the karakul pelts (Namibia being the world's fourth-ranking karakul producer), and 97 per

cent of the total marketable farm produce.

Non-whites, that is 97 per cent of the country's stock population, are allowed only 20 per cent of the national territory. Nearly half that area is barren semi-desert or desert. As a result, the African sector of the economy accounts for just 2.5 per cent of the total marketable product.

Within the period from 1968 to 1978, ten bantustans were established on this land on the model of South Africa: Ovamboland, Damaraland, Hereroland, Kavangoland, Namaraland, Eastern Caprivi, Tswanaland, Bushmanland, Kaokoland, and Rehoboth. The journal *African Communist* described these Bantu "homelands" as a source of just one commodity, a commodity they produce in abundance: cheap labour.

Use of this labour in mining (28,000 people), fishery (about 7,500 people), manufacturing (more than 28,000), and the services (148,000, including 75,000 domestic servants) is enfeebling the nation through slave toil. The occupying forces use a variety of methods, some simultaneously and others consecutively, to secure the maximum exploitation of non-whites at the lowest possible cost. This includes fictitiously voluntary employment, with migrant workers who comprise half the work force signing contracts for not less than 12 to 18 months; a racist "colour bar" which denies Africans access to skilled jobs*; denial of the right of Africans to social insurance and social security; pervasive racial discrimination, entailing gross violation of the principle of equal pay for equal work, and stringent prohibition of, in effect, any political activity by trade unions.

Back in 1952, addressing a special UN Trusteeship Council during the discussion of a Namibian complaint, the representative of Brazil in the United Nations asked: "For what crimes or sins have the population of South West Africa become convicts in their own country? What guilt are they expiating? Can they be blamed for the misfortunes that bedevil them? Are they responsible for the hunger and poverty that hounds them?"

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* A study of job brackets at the CDM company, published in the *Windhoek Observer* on June 4, 1983, shows that most Namibian workers are still classed as the lowest of unskilled workers. An insignificant number comes under the head of skilled workers, and none have made it to be medium-level, to say nothing of higher, administrators.

Though a third of a century has passed since then, nothing has changed.

If we consider that approximately 530,000 people, or 43 per cent of the population of Namibia, are economically active, while the rest (720,000) are dependents or unemployed, it will follow that a native Namibian is made to subsist on a sum that is well below the "poverty line" set at R162 per month. A white has an average income of R3,000, while the figure for blacks, including wage workers and those in subsistence farming, is R125.

Furthermore, poverty and hunger are not the only blights. The racists have launched a reign of terror and armed violence. SWAPO estimates that more than 100 Namibians die every day at the hands of the occupation authorities. Special branch thugs are paid a reward of R2,000 for a killed "guerilla". It is, indeed, an established fact that detention centres are maintained at 19 locations, though the unpublicised number of concentration camps is doubtless even greater. The conditions there mean slow death for their inmates. Abduction and the traceless disappearance of the abducted is commonplace.

Today 80 per cent of Namibia's population live in conditions of martial law. There are six "security districts" in bounds only for those who have a written permission. Besides, there are what are called defended townships, the substance being that occupation forces are deployed in or beside these townships fenced off by barbed wire, with observation towers and checkpoints where entering Africans are searched.

The laws and regulations enforced by the occupation forces circumscribe literally every step made by the country's citizens, with all "offenses" entailing brutal punishment.

The Terrorism Act of 1967, for example, empowers any high-ranking police officer to arrest any person suspected of being, or having aided, "terrorists". It provides for indefinite detention of people "for interrogation". Under that Act mere "intent to endanger maintenance of law and order" may be punished with the death penalty.

Proclamation AG9 (by the Administrator-General) of November 11, 1977, applies to Ovambo, Kavango and Eastern Caprivi, and provides for:

—restrictions on residence and movement of persons in a security district;

—restrictions on entering any area situated next to a security district and along an international border;

—search, seizure, arrest and 72-hour detention without a warrant;

—access to a legal adviser only with the approval of the Administrator-General.

Additional rules and amendments to AG9:

June 13, 1978—Proclamation AG34 makes it illegal for any person to walk or travel in a vehicle or to pick up a passenger during the night without written consent from an officer of the peace or an officer of the security forces.

May 10, 1979—Regulations contained in AG9 are extended southward to include the magisterial districts of Windhoek, Tsumeb, Outjo, Okahandja, Otjiwarongo and Grootfontein. The period of detention is extended from the previous 72 hours to 30 days.

June 28, 1979—All movement at night is banned in Ovambo. The ban on motor vehicles is extended to bicycles and pedestrians. The penalty: three years imprisonment and/or a fine of R600.

December 19, 1979—Proclamation AG114 applies certain sections of AG9 to Kaokoland, including control over residence, movement and activity of any person living in a security district, power to designate "prohibited areas", to arrest, detain and search without a warrant, and requiring 24 hours' notice of meetings.

February 6, 1980—Amendment authorising security forces to prohibit travel on any road in Ovambo at specified times, and prohibiting any person to sell merchandise from one half-hour after sunset to one halfhour before sunrise in Ovambo without consent of the authorities.

October 13, 1980—Proclamation AG161 requires any person in a security district who gives medical assistance to persons wounded or injured in suspicious circumstances to report the matter without delay to the security forces.

Proclamation AG26 issued in 1978 permits detention without trial for an unlimited period of any person believed "to promote violence and practise intimidation". Under its provisions no visits from relations or lawyers are permitted, and detainees can be held at any place designated by the Administrator-General, and moved at any time. Detention under AG26 cannot be challenged in court.

Prohibition and Notification of Meetings Act No. 22 of December 23, 1981, requires prior notification of any meeting of more than 20 persons to the local magistrate, including submission of information about the time and place of the meeting, the names of the organisation and the speakers, and if required by the magistrate, of the constitution of the organisation holding the meeting. It authorises the magistrate to ban any meeting if he considers that it advocates the overthrow of the existing order, and provides for three years' imprisonment and/or a maximum fine of R300.

By now many tens of thousands of Namibians have fled their country to escape the South African terrorism and oppression. Now these unfortunates wander from country to country as refugees. The international public offers them every possible assistance, but the privations and poverty they suffer are still great.

As a member of the Commission's working group, I have visited some of the refugee camps. What we saw were dwellings in the deep of the jungle made of poles covered with leaves, and only in a few cases with tiles. Here and there between the trees we saw fires for cooking. A little distance from the dwellings lay the "central square" of the *kraal,* a circle where the soil was trampled to the density of asphalt. In such a "square" we talked to the exiles from Namibia. There were practically no men, who had stayed in Namibia to fight the racists. Women and children surrounded us. They wanted to know what the outside world was doing to help them regain their homes in Namibia.

They were addressed by representatives of the concerned public of Poland, the United States, Britain, Belgium, France, Italy, and the USSR (all members of the Commission's working group), who assured them that progressives all over the world were on their side and that every one of us would apply all his strength and energy to bring closer the day of freedom for Namibia.

All the laws of "separate development" are qualifiable as crim-

inal, because they authorise the enforcement of distinctions, exceptions and restrictions on grounds of race and colour of skin, destruction of townships and deportation of the stock population from "strategic" or "police" zones, arbitrary imprisonment and detention in concentration camps, killings and abductions, etc., as perpetrated by the racist Pretoria regime in occupied Namibia. They follow directly from the racist colonial doctrine, and are, indeed, juridically qualified as war crimes and crimes against humanity in clauses B and C of Art. 6 of the Charter of the International Military Tribunal in Nuremberg.

Maltreatment of the civilian population for contacts with guerillas, or for taking part in the struggle against the occupation authorities, is also unlawful under other norms of international law. Collective punishment, and all other intimidation or terrorism, are outlawed by the Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Under Art. 27 of that Convention, citizens of Namibia are in all circumstances entitled to respect for their persons, honour, family rights, religious convictions and practices, and manners and customs. The Article says they "shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof".

The system of "separate development" extended to Namibia, as in South Africa itself, is, in the eyes of international law, a violation of a new standard on non-discrimination defined by the International Court of Justice which gathered to examine the situation in Namibia in 1971. It was set forth by Judge Luis Padilla Nervo in his Advisory Opinion: "Racial discrimination as a matter of official government policy is a violation of a norm or rule or standard of the international community."

In sum, the apartheid regime bears responsibility for its racist policy and violence in Namibia because, as the International Court of Justice pointed out, "physical control of a territory, and not sovereignty or legitimacy of title, is the basis of State liability for acts affecting other States".

A POLICY OF ACCOMPLISHED FACTS

The apartheid regime is trying to retain its colonial grip on Namibia at any price. Stating that it "in principle" agrees to letting

Namibia have its independence, Pretoria is in fact ignoring the will of the international community, and is continuously resorting to a policy of accomplished facts. The most striking example of this is the cavalier manner in which South Africa flouted two important resolutions of the UN Security Council—Resolution 385 of 1976 and Resolution 435 of 1978. Under these resolutions there was to have been a cease-fire, and free and honest elections under UN control, with the country being given its independence. Pretoria said that "in principle" it agreed with these resolutions. In fact, however, it began to carry out its own plan.

Already in 1976, in pursuance of that plan, the South African occupation authorities formed what they called a national party, the Democratic Turnhalle Alliance, and two years later, ostensibly on the recommendation of that alliance consisting of the tribal elite and local whites, elections were slated for December 1978 to a constitutional assembly. Meanwhile, brutal repressions were loosened against the national liberation movement which, as the London journal *South* aptly pointed out, were meant "literally to destroy SWAPO".

A Namibian refugee camp in the Angolan township of Kassinga was attacked in May 1978. Cutthroats of the South African army murdered more than 800 defenceless exiles. Repressions were stepped up in all the homelands in Namibia. Naturally, this enabled the Democratic Alliance to win the elections, with the result that a legislative assembly was formed. There followed the establishment of a council of ministers consisting of eleven representatives of various tribes headed by Dirk F. Mudge, a white farmer. And in 1981 an army was organised, named South West Africa Territory Force.

But these and subsequent efforts failed to give the puppets a secure standing. Intrigues and strife broke out among leaders of the "domestic parties". The Turnhalle Alliance, far from gaining in strength, grew weaker and weaker. By February 1983, it had, in effect, practically fallen to pieces.

The failure of this grossly unlawful undertaking did not, however, discourage the racist clique and its various patrons, the United States in the first instance. In 1985, the racists again showed their complete contempt for any UN resolutions. On June 17, in Windhoek, Namibia's administrative centre, they announced a new "provisional government" with "limited powers" in defiance

of the clearly expressed UN concept of a cease-fire and elections. President Pieter Botha flew in from Pretoria to attend the ceremony. In his speech, he vilified the United Nations and again declared that the Republic of South Africa would not abide by its resolutions.

Progressives all over the world viewed the creation of puppet rulers as one more act of racist defiance. The establishment of a puppet administration in Namibia representing no one, was, as pointed out in a TASS statement of June 27, 1985, "at loggerheads with the aims and principles of the UN Charter and incompatible with the obligations that South Africa had assumed as a member of the United Nations".

The UN Security Council demanded in categorical terms that Pretoria should put an end to its arbitrary treatment of the people of Namibia and condemned the establishment of a puppet government as an unlawful action and therefore null and void.

In September 1986, a 41st UN General Assembly resolution (passed by 126 votes with 24 abstentions, including that of the USA) again demanded that Pretoria unconditionally withdraw its unlawful administration, army and police force from Namibian territory without further delay, ending the many years of occupation and letting Namibia have its independence.

The racist regime ignored the resolution of the top United Nations body. Pretoria is keeping Namibia in colonial subjection by armed force, plundering its wealth licentiously hand in hand with the Western powers, while suppressing its people's striving for freedom by fire and sword.

SMASH THE COLONIAL CHAINS

The people of Namibia are not reconciled to their country's occupation and its predacious plunder by foreign monopolies.

The turning point in their national liberation struggle came in 1960. On April 19 of that year Namibian patriots formed the South West Africa People's Organisation (SWAPO).

This was the beginning of a new chapter in the history of Namibia. At the outset, SWAPO professed exclusively peaceful means of winning independence. The country's colonial plunder, however, grew more and more intensive as South Africa and

its imperialist protectors sabotaged one UN resolution after another. The stock population grew poorer and was denied all rights. The punitive agencies became increasingly brutal. SWAPO responded by changing its tactics, though, essentially, it did not renounce the idea of a peaceful settlement.

Sam Nujoma, President of SWAPO, said the following in May 1985: "Freedom is not given to him who begs. Declarations of independence have never yet made anyone truly independent. We have long appealed to the decency of the South African colonialists, but they were deaf to our pleas. Instead, they carried on without let-up with their armed violence in Namibia in order to keep us in our colonial prison."

Winning national independence with resort to arms became an urgent practical task. Sam Nujoma declared that the responsibility for liberating Namibia and all southern Africa lay entirely on the Africans of that part of the continent. The only aid they could expect would come from the independent African states, the Organisation of African Unity, and progressives in other countries. But, he said, they could not fight Namibia's battles. "We also know and understand," he added, "that the liberation of Namibia and South Africa can be achieved only through armed struggle." The People's Liberation Army of Namibia (PLAN) was formed in 1971 as part of SWAPO.

During the stay of a Soviet Afro-Asian Solidarity Committee delegation in Lusaka (May 1985), I had the good fortune of meeting a few veterans of the guerilla fighting in Namibia. They were attending a school, for SWAPO is looking ahead: during the intervals in the fighting, the men of its People's Liberation Army are being trained for the peaceful future, when they will be teachers, agronomists, and captains of industry.

Today, however, they are essentially soldiers. Their minds feel the weight of the chains that keep Namibia captive. Today, they see their task in breaking those chains. They see clearly that when all rights are denied, you have only one indisputable right: to fight your oppressors with arms in hand. That right is no plaything. To be soldiers of the People's Liberation Army is to be loyal to the cause of your country's freedom, to stand the test of the life and death struggle. Proud, handsome, brave people—they are ready to lay down their lives for liberty.

SWAPO is dealing with a strong adversary. The punitive

force occupying Namibia numbers something like 100,000. It is deployed in close to 90 bases and support points, most of them in the north of the country, notably along the border with Angola. The saturation point is probably the highest in colonialist history: one soldier per twelve people. Still, PLAN is inflicting ever more painful blows on the occupation forces. It is backed by the vast majority. A SWAPO statement issued in Luanda in early 1986 says that year has been declared by SWAPO a year of general mobilisation and decisive action. Still, SWAPO is quite prepared to conclude a cease-fire with Pretoria, so that free elections under international control can follow. South Africa, however, as its actions betray, wants no free and honest elections. This means that the racist regime is counting on a long-drawn-out war and that SWAPO has no choice but to continue its armed struggle.

Armed struggle is no easy way. It means blood, sacrifice and suffering. But the sacrifice will not be in vain.

As Sam Nujoma said at the international UN Conference on Namibia (in Vienna, July 1986), "by rifle or by elections, Namibia will be free".

3 Chapter SOUTH AFRICA— AN AGGRESSOR

Aggressive War Deserves to Be Damned

Subversive Intervention

Dirty Tricks and Real Aims

On January 30, 1981, in an auditorium of the Labour Palace in Luanda, the capital of Angola, the International Commission of Inquiry, chaired by Sean MacBride, conversed with Lieutenant-Colonel R. Monteria Ngongo, spokesman for the General Staff of the Armed Forces for the Liberation of Angola (FAPLA).

"The victory over Portuguese colonialism came in October 1975," he said. "Before it came, the MPLA* had had to win one more battle: the gangs of Holden Roberto were thrusting towards Luanda from the north.** And an armoured column of South Africans was moving in from the south, followed by mercenaries and the gangs of Jonas Savimbi.*** Our newly-gained freedom was in deadly peril."

Lieutenant-Colonel Ngongo showed us the route of the South African army, the mercenaries, and various counter-revolutionary groups.

"All of them were converging on Luanda," the Lieutenant-Colonel said, "to tear down the flag of independence."

The young republic summoned all its strength and, backed by friendly countries, repulsed the attackers. They retreated. But they did not leave the country.

"This," the Lieutenant-Colonel pointed to the south of Angola on the map, "is Lubango province. Here, the South African

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* MPLA—Popular Movement for the Liberation of Angola, which headed the national liberation struggle against Portuguese colonialism. Its president, Agostinho Neto, formed and led the first government of independent Angola. At present, the MPLA is the political vanguard of the people of Angola. It is now known as the MPLA-Party of Labour, and supervises the programme of political change and the building of a new life in the country.

** Holden Roberto—a CIA agent who headed the National Liberation Front of Angola (FNLA), a counter-revolutionary group. After Angola won its independence, the remnants of Roberto's group found asylum in Zaire. At the end of June 1984, France Presse reported that FNLA agents in Lisbon were recruiting mercenaries to "liberate" the northern regions of Angola. In April 1986, the Western press reported that Holden Roberto had gone to the United States in the hope of getting aid. In an interview, he said so frankly: "As soon as we get aid, I will go to Angola ... and stay there."

*** Jonas Savimbi—a CIA agent heading the so-called National Union for the Total Independence of Angola (UNITA). The organisation is funded by South Africa and the United States. It is fighting against the lawful government of Angola.

army crossed the border from Namibia to Angola, thrusting into our territory and occupying it. It is the bridgehead of their war against us."

The Angolan officer replied curtly, in military fashion, to the questions of our Commission. He said the invaders had abandoned large quantities of arms in the field of battle. Samples would be shown to members of the Commission. He said he knew the South African army denied using napalm.

"But I can invite members of the Commission to a hospital where napalm patients are being treated," he said.

He also said members of the Commission and the European Parliament and observers of the UN Special Committee Against Apartheid, the UN Committee on Decolonisation, the Liberation Committee of the OAU, and other international organisations attending the sittings of the International Commission of Inquiry, could visit sites of armed action in the province of Huila.

A few days later former US Attorney-General Ramsey Clark, who headed the Commission of Inquiry's on-site inspection group, declared: "There's a regular war in southern Angola... Fortifications all along the front, and constant tension. Skirmishes now and then, artillery duels and air raids. The soil is burnt, the fields devastated. Not a single building intact. Troops abduct peaceful citizens... What we saw in Vietnam is now happening in Angola." He added: "South African leaders still think killing and destroying are the only way to settle disputes between nations."

The terrorist armed forces of South Africa, driven by racial hatred, oppose the African peoples not only in Namibia and South Africa. The Pretoria clique has been using force for years to plant seeds of evil throughout southern Africa. The term "front line states"* is now known all over the world. This neologism is conclusive proof that the apartheid regime in Pretoria is criminal and aggressive.

The racists of South Africa have left none of their neighbours in peace. But the one that suffers the most from their aggres-

* Independent states in southern Africa continuously subjected to blackmail, threats and armed force, namely, Angola, Mozambique, Zimbabwe, Zambia, Tanzania, and Botswana.

siveness is the People's Republic of Angola. From July 30, 1976 to December 31, 1980, as established by the International Commission of Inquiry, the racists carried out against independent Angola 1,274 major armed provocations, 290 bombings of peaceful towns and villages, 50 paratroop raids, and 70 violations of the border by mechanised units of the South African army. The casualties: 44,166 Angolan citizens killed or wounded. The damage to property was 7,200 million dollars. Yet the aggressions against Angola did not stop in the years that followed. Indeed, they are continuing to this day.

AGGRESSIVE WAR DESERVES TO BE DAMNED

Aggressive war must be damned. Those who start it belong in the dock. World opinion condemns unjust war and any resort to aggressive war as being contrary to common sense and the morality of nations. International law, indeed, prohibits aggressive war. It regards aggression the gravest and most hideous crime that can be committed against humanity.

War is an evil in its very substance, the International Military Tribunal ruled in Nuremberg. Its consequences, it said, are not confined to the belligerents, and affect the entire world. That is why starting an aggressive war is not simply an international crime but the gravest possible international crime which differs from other war crimes in one important point, that of containing the evil of each of the others in concentrated form.

The UN Charter proclaimed deliverance of succeeding generations from the scourge of war the chief aim of the United Nations and introduced a radically new notion: armed force shall not be used by anyone unilaterally. This principle is entrenched in the clearest terms in Art. 2 of the Charter. "All members," says its paragraph 4, "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any member or state, or in any other manner inconsistent with the purposes of the United Nations." Renunciation of unilateral resort to force other than in defence against aggression lies at the root of the entire statutory system of the United Nations and has become a peremptory standard (*jus cogens*) of present-day international law.

Until recently, however, while declaring aggressive war unlawful and criminal, international law failed to define what it is. Nor did international law list the concrete actions whose commission by any state would be juridically qualified as aggression.

These omissions prejudiced the effort to banish aggressive war from international practice, and greatly reduced the restraining effect of international law. The fault was eliminated through the efforts of the Soviet Union, the other countries of the socialist community, and other states.

On December 14, 1974 at the 29th UN General Assembly, the community of nations passed Resolution 3314 (Definition of Aggression) which established criteria for the crime qualified as aggressive war.

"Aggression," says its Art. 1, "is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations."

Art. 2 of the Resolution contains clear criteria of aggression. The most important one is that of first use: any state that uses armed force against another state first is considered an aggressor. "The first use of armed force by a State in contravention of the Charter," says the Resolution, "shall constitute *prima facie* evidence of an act of aggression."

Another sign of aggression is the gravity of a state's unlawful resort to armed force. The purpose of this criterion, among others, is to differentiate between aggressive acts, which are always criminal, and other acts involving armed force, such, for example, as border incidents or armed provocations.

The General Assembly resolution lists the concrete acts qualified as aggressions. It names the following acts of aggression: (a) the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation however temporary; (b) bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State; (c) blockade of the ports or coasts of a State by the armed forces of another State; (d) attack by the armed forces of a State against the land, sea or air forces of another State; (e) sending by or on behalf of a State of armed bands, groups, irregulars

or mercenaries, which carry out acts of armed force against another State.

Now, let us turn to the evidence gathered by the International Commission of Inquiry, concerning the acts committed by South Africa against Angola. It established that (a) the RSA armed forces had in 1975 and 1981 invaded and occupied part of the territory of the People's Republic of Angola (up to 150 km from the border); (b) systematically bombed and bombarded the territory of Angola; (c) RSA army units continuously attacked Angolan armed forces; (d) South Africa armed, trained and sent mercenaries into Angola, and assisted the divisive UNITA group.

It is quite obvious that each and all of the above actions are definable as a crime under the UN General Assembly resolution. On these grounds, acting on Arts. 2 and 51 of the UN Charter, Arts. 1, 2, 3 and 5 of the General Assembly Resolution "Definition of Aggression", and Art. 6 of the Charter of the International Military Tribunal in Nuremberg, the International Commission of Inquiry qualified the acts committed by the racist apartheid regime of South Africa as a deliberate aggression.

At the end of August 1981, the aggressive war erupted with renewed force. Some 15,000 soldiers thrust into the southern provinces of Angola from captured bridgeheads. They were armed with 135 tanks, 140 armoured personnel carriers, 38 helicopters, and 3 units of artillery. Large-scale invasions also occurred in November 1981, in January-February and July-August 1982, and in August 1983.

In November 1982, the government of Angola estimated the direct losses incurred through South Africa's aggressions since 1975 at more than ten billion dollars. What cannot be counted in dollar terms are Angola's losses suffered due to diverting the most skilled and productive part of the work force to the armed forces. Nor can anyone assess the grief and suffering caused by the evil of racism, the merciless destruction and the killings on Angolan soil.

Under the accords reached between Angola and South Africa in Lusaka in February 1984, the racist troops were to have been withdrawn within a month. In fact, however, they were withdrawn after 14 months of various delays. The South African generals even held a noisy show over this on Angola's border

with Namibia. Yet the battalions that marched past members of the press were at once stationed in South African bases along the border with Angola. Three crack brigades, some 80 combat and transport planes, 70 helicopters, more than 200 armoured vehicles of various types, and heavy artillery were left in the border zone, Western news agencies reported. Nor did Pretoria bother to conceal its intention of using this force in new aggressive wars against Angola if it should see fit.

Indeed, on September 16, 1985, it was again sent into battle. One more large-scale aggression was committed against Angola. Racist mechanised units, including Buffalo Battalion, lunged into the Mavinga area in Kuando-Kubango province, 255 km inside Angola. More than 20 Canberra and Mirage planes took part in the operation.

In October, Pretoria announced that the operation had been "successfully completed" within the specified time. The idea of this announcement, picked up by Western agencies, was obvious: if it was impossible to deny the aggression, it was desirable to at least declare it a mere "episode" which ended within "the specified time", and should be forgotten.

But an aggression is always an aggression. War, whether long or short, major or minor, has been and always will be an accursed evil. And those who start it deserve, and will surely suffer, punishment for committing that most hideous crime against peace and humanity. And this regardless of the gravity of the consequences, of the destruction and the number of casualties, of any political, ideological, economic or other grounds. Such is the law as recorded in the Charter and Judgement of the International Military Tribunal that condemned the chiefs of fascist Germany and militarist Japan. And that the racists in Pretoria would do well to remember.

But the foul aggression against Angola continues. Cunene province has been subjected to direct armed S.A. attacks. Nine South African battalions were still trampling its soil in August 1986. In December 1986, the Angolan army was locked in battle with a joint force of S.A. racists and their puppets in the area between the townships of Shangongo and Mongwa. Thrusts into Angola by S.A. army reconnaissance forces were also registered in January 1987. In short, the racists just will not desist.

SUBVERSIVE INTERVENTION

To achieve their aims the racist rulers of South Africa resort to acts of aggression, but also to other means. They organise acts of sabotage and pressure against independent countries. They murder prominent people, and take hostages. They blow up industrial targets, power transmission lines, and lines of communication. They send in landing parties. They use helicopters and bombers, and recruit counter-revolutionary groups, servicemen of their own army, and mercenaries.* They used and continue to use these methods in various combinations, to varying degrees, and at different times, against all the independent states in southern Africa. As a result, nearly all the countries in the

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* Under Art. 47 of the 1977 Protocol I Additional to the Geneva Convention of 1949, a mercenary is any person who is specially recruited locally or abroad in order to fight in an armed conflict; does, in fact, take a direct part in the hostilities; is motivated essentially by the desire for private gain; is not a national of a Party to the conflict; is not a member of the armed forces of a Party to the conflict; and has not been sent by another State on official duty as a member of its armed forces.

Under the same Article, Clause 1, "a mercenary shall not have the right to be a combatant or a prisoner of war". This permits any State to put all captured or identified mercenaries on trial.

The UN General Assembly Resolution 3103 (XXVIII) of December 12, 1973, says that "the use of mercenaries by colonial and racist regimes against the national liberation movements struggling for their freedom and independence from the yoke of colonialism and alien domination is considered to be a criminal act".

Under international law, recruitment and use of mercenaries is a gross violation of the pledge of states to maintain peace and security. When citizens of a state imperil international peace and security by their acts, the state concerned is pledged to effectively stop these acts. But the Western powers are ignoring that standard of international law. As a result, mercenaries from the USA, Britain, Israel, West Germany, and other countries, are serving in the South African army.

The best known mercenary unit is Buffalo Battalion (also known as the 32nd Battalion) numbering 9,000 men. Its mercenaries, along with the South African army, bring death and destruction to Angola. The testimony of former mercenaries, the Angolan José Ricardo Belmundo and the Englishman Trevor John Edwards, cited between these covers, is convincing proof of this.

The use of mercenaries has always meant aggression, force, and gross violation of the right of peoples to self-determination. In other words, use of mercenaries in an armed conflict is a criminal act. Mer-

region are faced by the exigencies of the "undeclared" war saddled upon them by Pretoria.

The counter-revolutionary UNITA is being used to the same ends. The racists and their protectors have already unsuccessfully tried to put UNITA in power in independent Angola during the 1975-1976 intervention. After the undertaking fell through, South Africa and the USA decided to use the puppet organisation for other purposes.

Army staffs in Pretoria worked out a plan of proclaiming a "buffer" state, Ovimbundu*, headed by UNITA chief Jonas Savimbi, in the Angola-Namibian border zone.

After Reagan had moved into the White House, Savimbi visited the United States and was received with considerable pomp. The UNITA flag was raised over the hotel where he stopped, as though the USA was receiving a head of state. In Washington, Savimbi saw Alexander Haig, who was then Secretary of State, and was guaranteed "various American aid". But nothing came of the plan to set up an Ovimbundu republic.

A new idea arose: though Savimbi did not become a member of the Angolan government in 1975, why not try making him one today? Chester Crocker, US Assistant Secretary of State for African Affairs, declared in so many words: "We make clear

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cenaries are common criminals. They are not combatants and have no claim to the status of war prisoners. Their actions are of a terrorist nature. States must take effective measures of compulsion to prevent the organisation, recruitment and movement of mercenaries in their territory. Also, by virtue of prevailing standards of international law and national legislation, states must bring to trial all mercenaries and their accomplices. An international convention is presently being drafted under UN auspices on the complete prohibition of mercenarism as an act contrary to the fundamental principles of international law.

* The Ovimbundu people number over two million. Living in certain rural areas, they are among the most backward so far in Angola. The Angolan revolution could not overnight destroy the venomous seeds of distrust and strife between tribes, sown by the colonialists. Savimbi and his associates treacherously exploited, and still exploit, the prejudices of their countrymen. The Ovimbundu are being intimidated and terrorised, and given specious promises of participating in the "administration" of Angola, of getting their own, "independent" republic, and so on.

our view that UNITA represents a significant and legitimate factor in Angolan politics." While a former CIA agent, William Burgess, said still more clearly in *The Christian Science Monitor* that UNITA was a unique thing among all the African political groups, and deserved US aid. Thereupon, after eulogising Savimbi, he said that if America wanted democracy in Africa (sic!) to have at least some chance of surviving, it must intervene as quickly as possible.

It will be recalled that in 1976, after the first large-scale intervention against Angola by South Africa and its puppets under CIA guidance had fallen through, US Congress passed the so-called Clark amendment under pressure of the African and world public. The amendment, passed on the initiative of Senator Ramsey Clark, forbade the US government to give UNITA and other counter-revolutionary groups trying to overthrow the lawful government of Angola any overt or covert support.

To be sure, defying the Clark amendment, the CIA has never abandoned the counter-revolutionary gangs in Angola.

The *Rand Daily Mail* reported that the maintenance of UNITA alone had cost US taxpayers as much as 100 million dollars by 1985. Still, the Clark amendment did tie the hands of the US cloak-and-dagger community. It also hindered the White House from directly interfering in Angolan affairs. So when Reagan was inaugurated and declared his policy of "constructive engagement" with the South African racists, he began insisting that the Clark amendment be revoked. And the US legislators knuckled under. In June 1985, US Senate voted for its invalidation. Later, the same was done by the House of Representatives. The Clark amendment was scrapped. Interference in Angola's internal affairs became "lawful".

In the meantime, the South African racist clique helped Savimbi regroup his forces and gave his bandit groups arms and equipment. The main purpose now was to destabilise the situation in Angola in order to show that only with UNITA in the government there could be peace and order. The means to this end were acts of diversion, terrorism, armed raids, and provocations. Here are just a few of the operations these fighters for "democracy" perpetrated in Angola:

—June 1983, a UNITA gang attacked carnival crowds in Kaala township, and threw handgrenades;

— December 1983, an attack on the municipal centre at Mongonju. A hundred and forty people were bayonetted to death, cut to pieces with machetes, or burnt. A factory and the local power station were razed to the ground;

—December 1983, a raid on Angola's largest pulp and paper factory in Alto-Catumbela. Carnage, rape and destruction. Also, the bandits abducted more than 60 Czechoslovak specialists employed at the factory along with their families, including 21 children from 18 months to 15 years of age;

—January 1984, attacks on peaceful villages and towns in Huambo province. As a result, as many as 2,200 people in the province were hospitalised;

—October 1984, the power transmission line supplying power to Luanda, the Angolan capital, and the adjoining districts, was destroyed. If the people's authorities had not managed to promptly cut in other sources of power, the consequences for the city may have been disastrous;

—March 1986, Andrada township, where diamonds are mined, was attacked; more than 150 foreign experts—Britons, Germans, Romanians, Filipinos and Portuguese—were abducted.

—August 1986, an attack on the town of Cuito-Cuanavale by a large UNITA force before dawn on August 10. The fighting continued for more than a fortnight. All in all, UNITA gangs were responsible for 70 attacks on civilian objectives and 10 on the Angolan armed forces in the early half of 1986;

—December 1986, Savimbi's cutthroats killed 19 civilians, gutted 13 peasant houses, and kidnapped 16 Angolans in Cunene province.

And those are just a few of the hundreds of bloody crimes committed by UNITA bandits.

Every time the UNITA gangs encounter difficulties, their chiefs make contact with the South African regime and ask for aid. If it so happens that S.A. generals think direct intervention by their regular troops is undesirable at that moment, they usually send in the Buffalo Battalion of mercenaries. But direct intervention by the regular army is fairly frequent.

In August 1983, for example, UNITA gangs and mercenaries attacked the township of Kangamba. The local armed forces repulsed the attack. The enemy lost 1,100 men killed. On getting word of this, S.A. generals hastened to the mercenaries' aid. Mi-

rages and Canberras took off from bases in Namibia. The air pirates poured napalm on heroic Kangamba. Ruins and the charred trunks of trees was all that remained in its place.

In September 1985, when Pretoria saw that the UNITA gangs were suffering defeat after defeat and might any minute be thrown out of Angolan territory, it sent an "expeditionary corps" of the South African army to help them out. On May 22, 1986, motor-borne units of the racist army attacked Angolan armed forces pursuing fleeing UNITA gangs near the township of Shangongo. Angolan losses were 53 dead.

South African army units came to the aid of UNITA during the attack on Cuito-Guanavale in August 1986. South African tanks, armoured vehicles and artillery were engaged some 300 kilometres inside Angola.

In August 1986, the racist S.A. army also aided the UNITA gangs in Cunene province. Jointly, the racists and their puppets captured Kalwene, Neone, and Malunga. Nearly a thousand local people were either killed or kidnapped during that operation. Property losses were estimated at 20 million dollars.

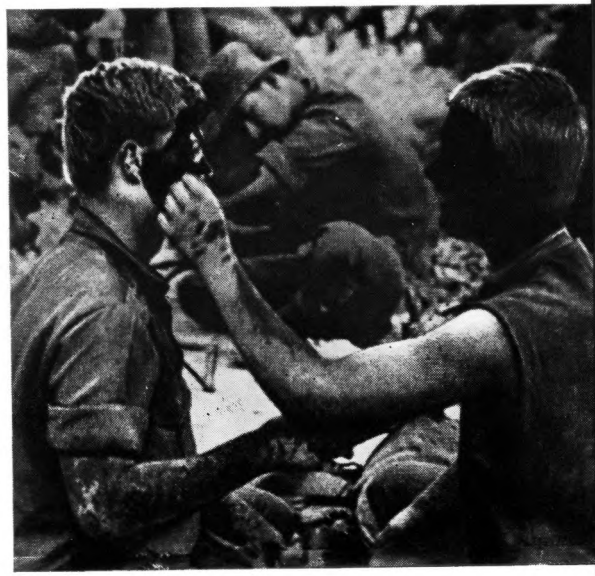
The UNITA gangs are, in effect, an umbrella for covert operations in Angolan territory. The abortive Argonne Operation of May 1985, when a group of South African servicemen smuggled into the country were to have blown up US-owned Gulf Oil installations in Malongo, Kabinda province, was convincing confirmation of this. UNITA was to have taken the responsibility for the operation before the world public, but, as we know, that act of sabotage had been frustrated. Its vile aims, however, are apparent.

The Paris journal *Afrique-Asie* wrote in June 1985: "If the Pretorian commando smuggled into the country had succeeded, and UNITA would have taken the responsibility for its operation, you may rest assured that the United States and the South Africans would have tried to insist that the Angolan government should admit that only an agreement with UNITA could bring peace and make it possible to complete the country's reconstruction. It is a good thing that the very opposite happened. The evidence collected by the Angolan authorities and the revelations of Captain Wiaan Petrus Johannes du Toit (RSA Special Branch officer who led the commando, captured by the Angolans) showed the vicious substance of the international plot of

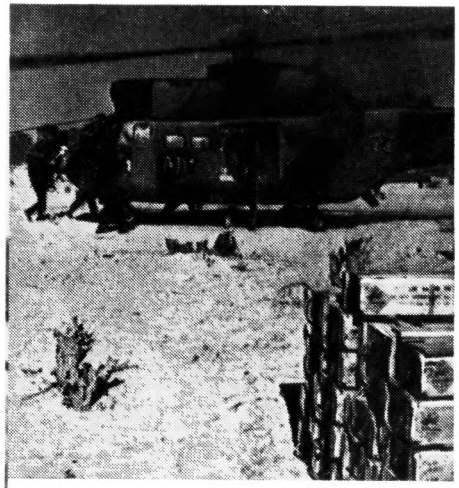
Nothing is more criminal than resort to armed force against peaceful nations

South African servicemen poised to apply force on the border of independent Angola

S.A. servicemen trampling the soil of independent Angola. Getting a briefing



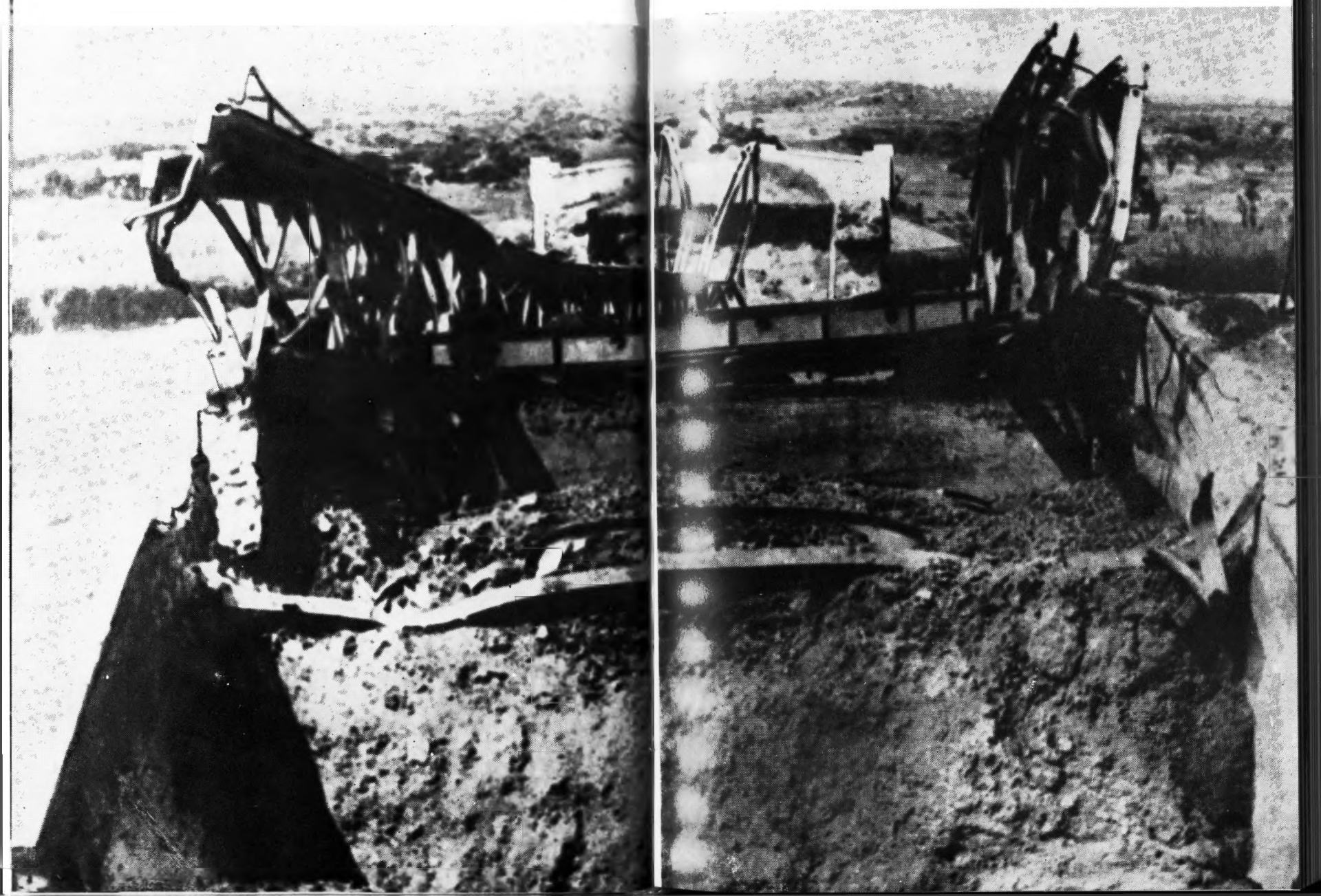
Paratroopers change their appearance

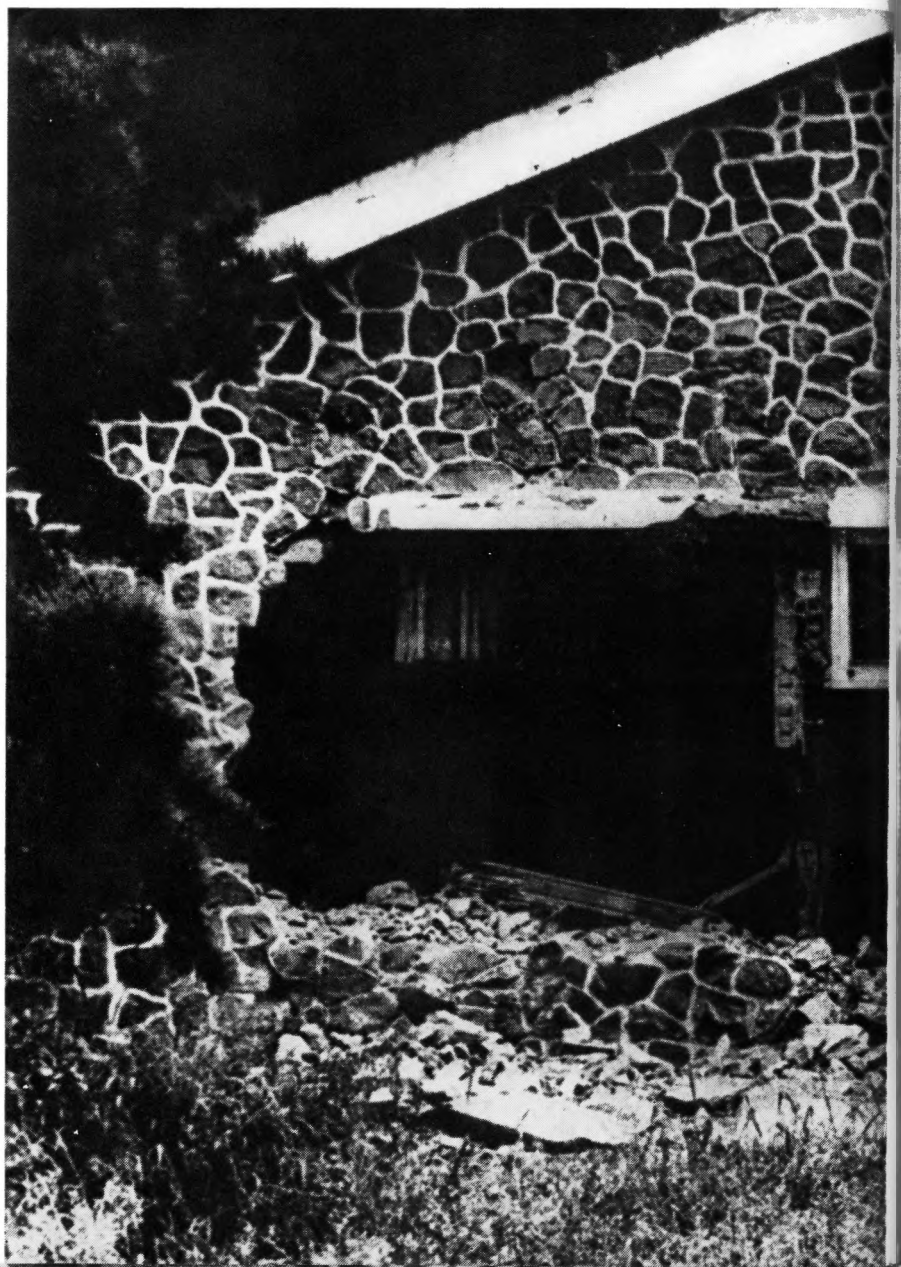


Ammunition and other supplies are brought in by helicopter

Moving towards "combat" targets

A criminal plan accomplished: racists blew up a bridge near Moxico in Angola





Ruins of a building in Motolo, suburb of Maputu, capital of Mozambique, after a South African army saboteurs raid

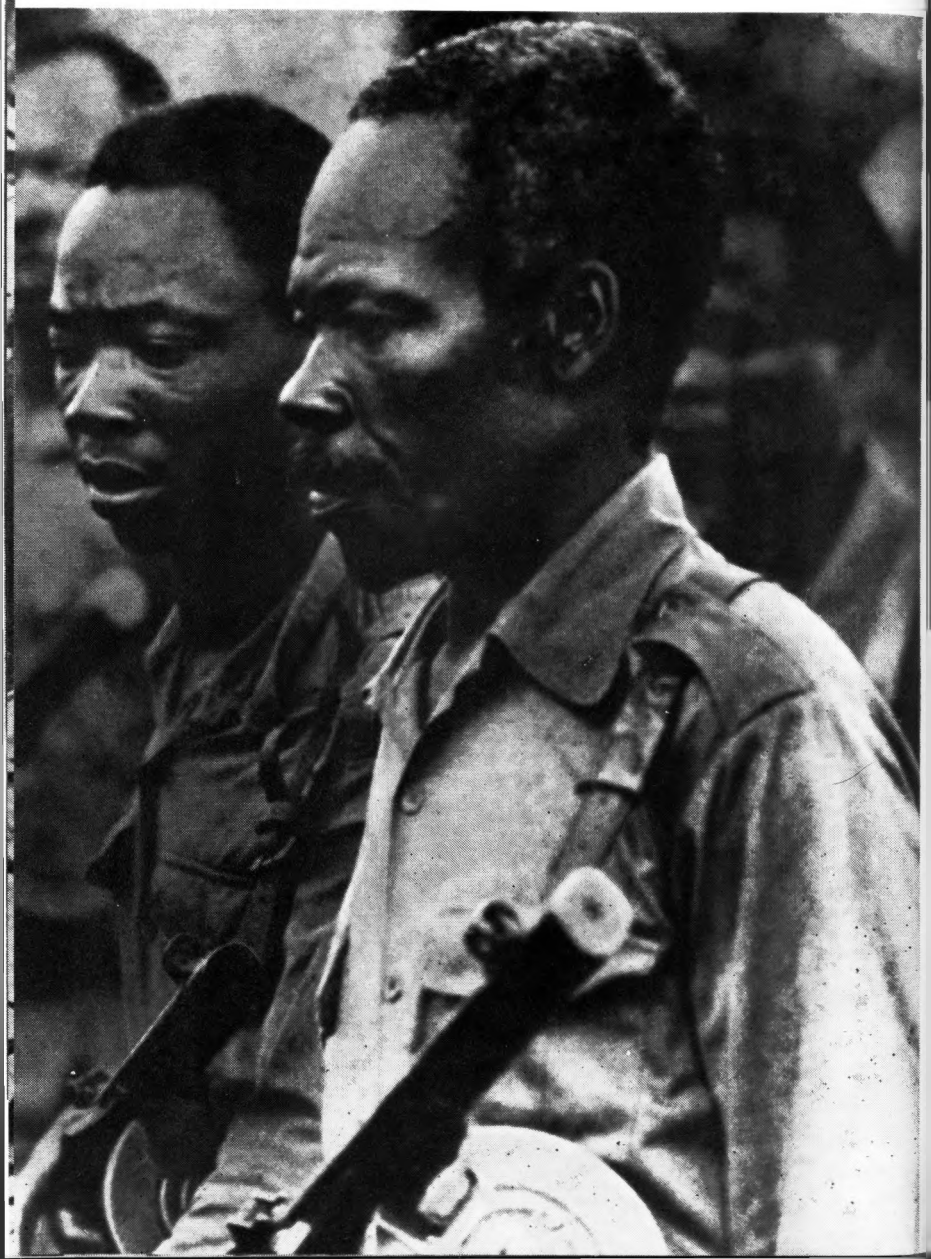
A bullet-riddled dwelling in Maseru, capital of Lesotho

A Namibian family's dwelling demolished

Brutally murdered women and children

Retribution

Defenders of independent Angola



which Angola was the victim and UNITA was a mere instrument."

This vile instrument the racists tried to use also in June 1986 in a pirate attack on unarmed Soviet and Cuban merchant ships in the Angolan port of Namib. But the South African regime failed to cover up its tracks. The Soviet Government warned firmly that such South African acts may have far-reaching and dangerous consequences.

In the meantime, South Africa and the United States have been doing their worst to strengthen UNITA. In February 1986, Jonas Savimbi again visited Washington. And was again received there with pomp. He met Reagan. The US administration saw fit to promise him not only money but also the latest earth-to-air Stinger missile. This missile, fired from the shoulder, has a homing warhead and can hit air targets at a distance of eight kilometres. At present, only the US army has such missiles. Even the armies of America's NATO allies do not have them. Yet the bandit Savimbi has been promised them, and has probably already received them through CIA channels. The official decision to supply UNITA with missiles and to fund its activity is a token of the neoglobalist policy recently taken up by the Reagan administration. Its substance is gross interference in the affairs of other countries whether in Africa, America, Europe, or Asia. Besides, by increasing its military backing of anti-governmental forces all over the world, the United States is flexing its muscles, to show the Soviet Union its "toughness". Added evidence of this are its provocative actions against Libya and the pressure on Nicaragua. But all these things are in vain. The Soviet Union will not be intimidated. It will never relinquish its policy of supporting peoples fighting for their freedom and independence, for their self-determination.

Neither will the US administration succeed in intimidating and winning the cooperation of the African states by its support of the UNITA bandit gangs. President Kaunda of Zambia said in a radio interview to France Inter on April 23, 1986 that Reagan's decision to receive Savimbi, chief of the anti-Angolan UNITA group, had destroyed the faith of the front line states in the ability of the United States to mediate a settlement of the Namibian problem. The decision of the US administration was adopted in defiance of Angola's efforts to settle the issue. The

front line states, therefore, censured the United States and would no longer recognise it as a mediator in the decolonisation of Namibia.

The Organisation of African Unity, too, said in so many words that the "Black African states accuse UNITA ... of being a puppet of white-led South Africa ... and the Council of Ministers vehemently and unreservedly condemns the decision of the Reagan administration to arm UNITA bandits and thereby wage war by proxy on a member state of the OAU".

The United States will not succeed in its neoglobalist policies. But it will bring grief and suffering, death and destruction to many a country before it desists. For, after all, even in southern Africa that policy is pursued not only against Angola.

The People's Republic of Mozambique is a constant target of South African subversion and intervention. Here the instrument of intervention is the so-called Mozambique National Resistance, whose brief but accurate sketch was provided in 1985 by the London *Financial Times,* which described it as a loose coalition of robber bands initially encouraged by the now defunct Rhodesia, and of late by Pretoria.

Here is how a MNR operation is described by Glenn Frankel in *The Washington Post* of May 12, 1986:

"The bandits attacked just before dawn, spraying this village with small-arms fire that sent most of its inhabitants and its handful of defenders fleeing wildly into the bush.

"The invaders then went from hut to hut, stealing food, pots and pans and the rags that pass for clothing here. When they came to the roofless, one-room schoolhouse, they carried off its few books and used the classroom as a toilet.

"In less than an hour it was over, the marauders retreating south with their meager booty. Four villagers lay dead. Hundreds of others have yet to return."

But the main purpose of the MNR in this war of attrition is to demolish the country's economy.

Since 1980, when South Africa undertook to finance the MNR, tremendous damage estimated at 300 million dollars has been inflicted on Mozambique's economy. The bandits almost continuously cut traffic along the Maputo-Zimbabwe railway, put the oil pipeline between Port Beira and Mutare out of commission, blow up the motor roads leading from Africa's front line

states to the coast of Mozambique, and lay bombs in the country's crucial industrial plants, loosening carnage and plunder, taking hostages, raping and killing, and intimidating the local population. As a result, Mozambique's exports have declined from 225 million dollars to 90 million in the five years from 1980 to 1985. In 1981, in fact, the country was still able to export cotton, whereas now it is compelled to buy cotton abroad; the export of coal from the Moatize area, where large deposits were found, has stopped.

The extensive aid that the MNR has been receiving from South Africa, continued even after Mozambique signed the Accord of Nkomati on non-aggression and good-neighbourliness with South Africa in March 1984. Under that treaty, Pretoria was to have cut off all aid to the bandits. But it never intended to abide by this provision, although Mozambique has kept all the commitments it had undertaken. As a result, the MNR gangs in some districts have become more active.

Speaking at the 8th Non-Aligned Conference in Harare (September 1986), President Samora Machel said that after the Nkomati Accord had been signed, the South Africans increased their aid to the MNR forces. He said the rebel gangs destroyed some 500 schools, 800 rural stores, and 10 per cent of the available medical centres. They do their will with the local people, killing, burning down villages, stealing cattle.

In the meanwhile, crude pressure was exerted on the government of Mozambique. The US House of Representatives adopted an amendment which said economic aid to Mozambique was conditional on reducing the number of specialists there from the socialist countries.

In effect, Mozambique became the object of general imperialist blackmail.

I might add that from time to time the acts of the armed gangs are backed up by aggressions and armed provocations of regular South African army units.

Here is just one example. When the International Commission of Inquiry began its work on January 30, 1981, the ruling clique in Pretoria committed yet another defiant criminal act: at dawn its paratroopers attacked a camp of South African refugees on the outskirts of the capital of independent Mozambique. As a result 12 persons were killed and 3 were abducted.

What is this if not an act of international terrorism and aggression?

The International Commission of Inquiry sent several telegrams to different addresses on this score. Here they are:

To His Excellency Dr. Kurt Waldheim
UN Secretary-General
New York, USA

The International Commission of Inquiry into the Crimes of the Racist Regime and of Apartheid in Southern Africa, meeting at present in Luanda, is shocked by the renewed acts of international terrorism of the RSA army against the people of Mozambique and by the systematic violations of the sovereignty of the People's Republic of Mozambique. It is most essential that the UN should take urgent measures to protect the peoples of Mozambique, Angola, Zambia, and Namibia against terrorist attacks and mass killings systematically organised by the RSA regime, and see to it that compensation should be paid to the families of the killed and other victims of these acts of international terrorism. Please forward this request to the appropriate UN agencies.

Respectfully,
Sean MacBride, President,
30 January 1981

To His Excellency Samora Moisés Machel,
President of the People's Republic of Mozambique,
Maputo, Mozambique

Please accept the profound condolences and the solidarity of the International Commission of Inquiry into the Crimes of the Racist Regime and of Apartheid in Southern Africa concerning the recent criminal acts of terrorism perpetrated by the racist regime. We mourn with you over the victims of these bloody acts of aggression. We have turned to the UN with the insistent request of taking urgent measures to protect the peoples of Mozambique, Angola, Zambia and Namibia against the terrorist attacks and mass killings systematically organised by the South

African regime, and to make South Africa pay compensation to the victims of this international terrorism.

Sean MacBride, President,
30 January 1981

To Her Excellency Simone Veil
President of European Parliament
Luxembourg

The International Commission of Inquiry into the Crimes of the Racist Regime and of Apartheid in Southern Africa, now in session at Luanda, is deeply shocked by the acts of international terrorism perpetrated by the South African armed forces in Mozambique recently, in which many Africans were killed or wounded. Such actions are part of the campaign of terror and carnage loosened by South Africa against the peoples of Angola, Mozambique, Namibia and Zambia, in which several hundred African men, women and children have already been killed. Could you, Your Excellency, and the European Parliament Bureau, request the United Nations to take urgent steps and protect the peoples of free Africa against terrorist attacks and to end the unlawful occupation of Namibia by the Republic of South Africa. We ask the European Parliament to assume a special responsibility for aiding and protecting the peoples of free Africa against the racist terrorism of the white minority government.

Respectfully,
Sean MacBride, President,
30 January 1981

To His Excellency Edem Kodjo,
Secretary-General of the Organisation
of African Unity
Addis Ababa, Ethiopia

The International Commission of Inquiry into the Crimes of the Racist Regime and of Apartheid in Southern Africa, at present in session at Luanda, is deeply shocked by the renewed acts of international terrorism perpetrated by the South African army against the people of Mozambique and the systematic violations of the sovereignty of the People's Republic of Mozambique.

It is most essential that the United Nations should take urgent

measures to protect the peoples of Mozambique, Angola, Zambia and Namibia against terrorist attacks and mass killings systematically organised by the South African regime, and also to compel South Africa to pay compensation to the families of the killed and to other victims of these acts of international terrorism. We ask the Organisation of African Unity and each of its member states to request the United Nations to take the above measures. We would be most grateful if Your Excellency should forward the contents of this telegram to the President of the OAU and to each of its member states.

With respect and friendship,
Sean MacBride, President,
30 January 1981

The acts of subversion against Mozambique are mounting in intensity. Making the most of the tragic death of President Samora Machel,* the counter-revolutionary forces redoubled their military pressure.

Pretoria-trained armed gangs quartered at special bases in neighbouring Malawi crossed the border and lunged deep into Zambezi and Tete provinces. They advanced in three directions: west towards the Mozambique-Zambia border, south into Mutarare district, and south-east towards Mulange, the centre of the tea industry. They were aiming to reach the shore of the Indian Ocean, capture the port of Shinde, and seize control of the Beira transport artery used by Zambia and Zimbabwe. At the head of the columns, newspapers reported, stood white S.A. officers. The racist regime had evidently set out to strike a death blow against the young republic. It wanted to replace the people's government of Mozambique with an obedient puppet regime. Pretoria thought the days of mourning for the republic's deceas-

* President Kaunda of Zambia charged the Pretoria regime with having had a hand in the death of the Mozambique President. The tragic air disaster, he said, had been planned in South Africa. Western mass media, too, expressed the belief that Pretoria had had a hand in the crash. They wrote, among other things, that an explosion had occurred in the central part of the fuselage. The only survivors of the crash were in the forward part and the tail of the plane. The inquiry under way in Mozambique will show what had happened to the plane as it was circling to land at the Maputu airport and instead hit the slope of a nearby hill across the South African border.

ed President were an opportune time to secure the long-sought-after realignment of strength in the region. The free people of Mozambique have risen to the occasion, however, and are sure to win.

South Africa practises the same destabilisation tactics against the independent kingdom of Lesotho, an enclave on the territory of the racist state. Here are a few facts on this score.

On December 10, 1982, for example, South African troops thrust into the independent state of Lesotho, and killed 40 people in its capital, the town of Maseru. On March 26, 1983, an armed group again invaded the territory of the country, with the result that 20 bandits were killed or wounded in the six-hour firing duel with the border guards. On March 27, South African saboteurs flung handgrenades into the Catholic mission at Pitsenga.

On April 25, 1983 some 50 saboteurs attacked Dilidili, a village in the border area. In June 1983 an armed unit that came from South Africa tried to break into the residence of Lesotho Prime Minister L. Jonathan. Such acts of terror and violence, which continued in 1984 and 1985, achieved their aim: the Jonathan government was deposed early in 1986.

The world public was outraged by the bandit raid on Gaborone, the capital of Botswana, in the early morning hours of June 14, 1985. As usual, the act of piracy was organised on the pretext of combatting activists of the African National Congress. The casualties were 15 peaceful citizens dead and six wounded. The South African commander-in-chief, Constant Viljoen, bragged that a small S.A. force had destroyed ten ANC guerilla targets.

Zambia and Zimbabwe have no peace either. In 1985 alone, the Zambian authorities registered more than 40 cases when UNITA bandits and South African soldiers appeared in its border regions, and another thirty cases when fire was opened on Zambian territory with small arms and artillery. Eighteen citizens of Zambia were abducted. In that period the Zambian army captured 15 South African servicemen and UNITA bandits. The South African racists are said to be spending four to six million Rands annually on training and smuggling terrorists into Zimbabwe. More than 600 saboteurs smuggled from South Africa have been rendered harmless since 1982.

On April 19, 1986, the racist predator perpetrated one of the most unprecedented acts against its neighbours. At dawn, South African armed forces attacked the capitals of three African states—Zimbabwe, Zambia and Botswana. Air raids were followed by large paratroop units landing from helicopters in different streets and suburbs of Harare, Lusaka, and Gaborone, opening fire on the townsmen.

The "justification" for these brigand raids were alleged ANC "terrorist" bases in those cities. But in Gaborone South African helicopters dropped bombs near army barracks, and attacked a suburban house ostensibly used by the ANC, killing a well-known Botswana football player and wounding a few soldiers. In Harare, they destroyed an office building and a house they claimed belonged to the ANC. And in Lusaka, South African fighter aircraft tried to hit the ANC Makeni refugee camp, but instead attacked a UN refugee centre, where they killed two persons.

The purpose of this aggressive act of piracy undoubtedly was to assert South African superiority as the superpower in the region, terrorise the front line states, and intimidate all those who are trying to secure a peaceful solution of the conflicts in southern Africa.

These aims proved impracticable. Despite Pretoria's threats and pressure, Botswana censures and condemns racism and apartheid, has declared its support for the freedom struggle of the people of South Africa, and is giving help to refugees from South Africa and Namibia.

Prime Minister Mugabe of Zimbabwe said his country would continue giving diplomatic and financial aid to the ANC. President Kaunda of Zambia expressed his deep anger, and called for immediate international sanctions.

"The raid," said President Masire of Botswana, "was absolutely unprovoked and unwarranted. It was an aggression pure and simple."

In short, the racist regime unites, directs, supports and uses all those in southern Africa who can serve its criminal ends by committing military or associated actions in the territory of, and against Angola, Mozambique, Lesotho, Botswana, Zambia, Zimbabwe, and other countries. And wherever the bandits of UNITA, the Mozambique National Resistance, the Lesotho

Liberation Army, the mercenary Buffalo Battalion, and other turncoats fail to cope with the situation, the racist Pretoria clique dispatches its army to do the same dirty job. Contrary to the standards of international and customary law, they violate the sovereignty of Angola, Mozambique and other countries, invading their territory by land, sea and air to carry out armed attacks, interfere in their internal affairs, inflict economic damage, and assassinate, abduct and intimidate the civilian population.

By so doing, the Republic of South Africa is grossly breaching clearly defined treaty commitments, and, in particular, the UN Charter and other instruments of law which proclaim the principle of the non-use of force in international relations, as well as Art. 3 of the Definition of Aggression adopted in 1974, which prohibits sending armed gangs, groups, irregular forces or mercenaries to use force against other states.

Acts of direct or indirect aggression continuously committed against the neighbouring states by the racist Pretoria regime comprise yet another criminal wrongdoing—state terrorism, perpetrated with the same purpose of undermining the basic institutions of the young independent states, intimidating and compelling them to stop supporting the national liberation movements in southern Africa against colonialism, genocide, and apartheid. Like aggression, state terrorism is banned in international law. This is said in the clearest of terms in the UN Declaration of Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations. "No State or group of States," it says, "has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law."

DIRTY TRICKS AND REAL AIMS

The racist regime denies the charges of starting and conducting aggressive wars against the neighbouring states. Which, of course, is understandable. There is absolutely nothing in present-

day international law that permits anyone to violate the sovereignty and the territorial inviolability of any state. There can be no political, economic, military or any other justification for aggression.

An aggressive war started in defiance of international law forfeits the true juridical meaning of war and becomes an act of piracy, a deliberate crime, for whose commission its organisers must be tried and punished as common criminals. Indeed, acts of aggression qualified by the Security Council as an impingement upon international peace and security, may cause that body to take collective measures in accordance with Chapter VII of the UN Charter. That is precisely why the apartheid regime does not want its criminal actions against Angola and other countries to be qualified as an aggression. It resorts to dirty tricks in order to justify its grossly unlawful acts with references to various standards of international law. Though these references have no legal basis, they, nevertheless, tend to mislead certain people in various parts of the world, and must therefore be exposed.

The probably most widespread vindication of South Africa's aggressive actions against the neighbouring states is its reference to the so-called "right of hot pursuit". Invoking this right, the racists carry out "mopping up", "retaliation", "preemptive" or "pursuit" operations on the territory of adjoining countries against national liberation movements in southern Africa.

But the right of hot pursuit is recorded exclusively in the law of the sea, meaning that a state may pursue and arrest a ship which breached its laws in its territorial waters. This legal concept does not apply to *terra firma* unless it is enshrined by a special treaty. Consequently, the right of "hot pursuit" is wholly unlawful in international law and is rightly treated as an act of aggression. The UN Security Council abides by this attitude. After the crimes in Cassinga, the Security Council unanimously adopted Resolution 428. It not only confirmed that the territorial inviolability of Angola had been breached by the Republic of South Africa, while the latter claimed to have merely pursued SWAPO men. Indeed, it expressed grave concern over the armed invasions committed by South Africa "in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola". The resolution commended the Peo-

ple's Republic of Angola for its "continued support of the people of Namibia in their just and legitimate struggle".

Similar resolutions were adopted on other acts of aggression which the racist regime vindicated by the mythical right of "hot pursuit". References to this "right" were also rejected in its Conclusions by the International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa, and by other juridical forums.

South Africa refers to the right of defence in all matters concerning the territory of Namibia against what it calls the unlawful acts of SWAPO. Yet the territory of Namibia has never belonged to the Republic of South Africa. The racists know this perfectly well. Besides, South Africa has long since been stripped of the right to administer Namibia, so that its occupation of Namibia, as defined by the Security Council and the UN General Assembly, and also by the UN International Court of Justice, is clearly unlawful. Since present-day international law denies the aggressor's right to use the fruits of a committed aggression, South Africa has no right whatsoever to defend the territory of Namibia against anyone, and is, indeed, obliged to immediately withdraw its administration and thus terminate the occupation of Namibian territory and return the right of government to its lawful possessor—the people of Namibia headed by their sole representative, SWAPO.

To justify their acts of aggression, the racists refer to Art. 51 of the UN Charter, which permits countries to resort to individual or collective self-defence if an armed attack occurs against a member of the United Nations.

But have Angola, Mozambique, Lesotho or Botswana ever attacked the Republic of South Africa? Certainly not. Never has a single soldier of any of these countries stepped on South African soil. Never have their air forces bombed South African towns, demolished factories and townships, or resorted to napalm.

South Africa, on the other hand, has always been the first to strike, crossing the land, air and sea borders of those countries. Armed actions leading to the seizure of territory, to carnage and destruction, to the death of peaceful inhabitants and to their ruin, the abduction of hostages, and many other acts of cruelty have been occurring, and still occur, on the soil of Angola and

the other front line states, and certainly not on the soil of South Africa. So what has self-defence to do with it?

Besides, the racists know perfectly well that, while granting the right to self-defence, international law says clearly that any state resorting to self-defence is not the sole judge of whether its actions, which it describes as self-defence, are lawful and justified.

Like the individual who is accountable for using his right to self-defence under common law, the state, too, is accountable if it abuses its freedom of action, if it makes self-defence a tool of conquest and lawlessness, of a predatory impingement on the freedom and independence of sovereign states. The final judgement concerning the action claimed to have been self-defence, does not belong to the state in question.

The racist clique in South Africa, however, has arrogated such a right. Contrary to the UN Charter, which reserves the categorical right of a final ruling for the Security Council, the clique itself defines and delivers all sorts of "preemptive" and "crushing" strikes at so-called "bases" of SWAPO and ANC to avert a "possible" attack on their part. This is unlawful resort to force on a pretext invented by S.A. army staffs. It is an old ruse: poised to deliver a perfidious strike, they cry, "Stop thief!".

Why the racists are trying to wipe out the legal difference between aggression and self-defence, is easy to guess. Pretoria calls its aggressive ventures self-defence, and, conversely, describes the actions of the national liberation movements and neighbouring independent states as aggression. By so doing, it tries to mislead the world public and escape legal responsibility.

Its *modus operandi* is not novel. The Nazis, we may recall, justified their acts of aggression by the need to win *Lebensraum* for the people of Germany, by references to the "unjustifiably tough terms of the Versailles Treaty" and the claim that Germany was forced to start a war, since it was menaced by "a hostile encirclement", with the Third Reich acting "in self-defence" or due to "military necessity". The International Tribunal in Nuremberg rejected all these "arguments" and punished the war criminals severely.

The United States, too, called its aggression in Vietnam, which was condemned all over the world, "collective self-defence". Conversely, it branded the heroic struggle of the Vietnamese for their country's unity and independence as "aggression".

Having trampled upon the sovereignty of tiny Grenada, the United States claimed pharisaically that its armed invasion was motivated by the need for "restoring order" and "setting up a democratic government". The Reagan administration prattles of democracy, law and order, combatting terrorism, and the like, as it fans its undeclared war against Nicaragua or carries out bombing raids against Libya. Yet the UN Charter does not grant any country the right to tell other peoples how they should understand democracy, sovereignty, and law and order. Under contemporary international law, the peoples establish their own political, economic and social systems as they see fit, and maintain international relations without intervention, interference, subversion, compulsion or threat from outside in any form and on any grounds.

No matter how the racist regime tries to whitewash its deeds, they are in fact and by juridical nature an aggression. South Africa's references to its right to "retaliation" and self-defence, to "hot pursuit", etc., have no legal grounds whatsoever.

The dirty tricks of the racists are unacceptable because they obfuscate and disguise an unrighteous cause: a bid to saddle the neighbouring countries with their criminal will. To do so, the racists must crush their unity, exhaust them by endless raids and acts of sabotage, and force them to spend what are already meagre resources not on improving their life, but on the needs of war,* and by so doing undermine the faith of the neighbouring peoples in their governments and the chosen road of independent development and all-out support for the national liberation struggle of the peoples of South Africa and Namibia. It is to achieve these aims that Pretoria resorts to direct and indirect aggression, compounding it with methods of state terrorism. This has been proved. And that is the charge against the racist apartheid regime.

In a special declaration, the heads of state and government at the 8th Non-Aligned Conference in Harare (September 1-6, 1986) expressed grave concern over the "exceedingly serious and

* By available estimates the cost of one modern bomber is enough to build 30 schools, or that of one tank to buy 90 tractors. The cost of building a town of 100,000 population is only slightly higher than the cost of arming a tank division (see T. Iwinsky, "Developing Countries in World Politics", *International Affairs*, Moscow, March 1983).

volatile situation in southern Africa resulting from the policies of state terrorism, military occupation, blackmail and the use of armed bandits by the apartheid regime in order to destabilise, sabotage and destroy the economic and social infrastructure of the front line states and other countries neighbouring it with the aim of weakening and subjugating them".

The heads of state and government recognised "the urgent need for concerted international action, both short-term and long-term, to provide relief to the front line and other states in the region, to enable them to withstand the effects of retaliatory sanctions by the racist Pretoria regime". Accordingly, they have decided to establish a Solidarity Fund for resisting invasion, colonialism and apartheid, to which they shall contribute generously.

Justice, civilisation and the peaceful cohabitation of states are primary principles. Force, abuse, double dealing and various other evils practised by the Pretoria regime are objectionable and unlawful. Because, as Thomas Hobbes rightly observed, war cannot preserve life any more than peace can destroy it.

4 Chapter ACCOMPLICES IN SOUTH AFRICA'S CRIMES

The Vascular System of Apartheid

The Kill Capacity

Contacts, Dialogue and Persuasion—Devices for Procrastination

Profit Is Thicker than Blood

When the national liberation struggle spread to southern Africa in the 1960s and began sweeping out the remaining colonial possessions there, S.A. Minister of Defence Jacobus Fouché complained to a French newspaper: "Now we are alone, completely alone in face of a frightening future." Quite true. Since Angola, Mozambique, and Guinea-Bissau have won independence, and racist Rhodesia has fallen, the regime in Pretoria is the sole remaining citadel of colonialism on the continent. The fighting to overthrow it has been going on within that citadel.

The RSA criminal policy, compounding the striving for racist colonial domination over the peoples of South Africa and Namibia with aggressive warfare against the neighbouring countries, and shot through with a cynical juridical nihilism and diplomatic perfidy, is encountering ever more resolute opposition among the democratic public and progressive governments in the world. Despite all this, the regime continues to stand, ignoring all legal and moral bans.

How to explain this? The racist apartheid regime would have collapsed long ago under the weight of its crimes if it had not had accomplices—active, influential, resourceful and rich accomplices.

Complicity is a deliberate action countrary to law. The actions of accomplices are prompted by criminal intent. Accomplices may be executors, organisers, instigators, abettors or connivers. The threads that connect accomplices are not easy to detect, especially in international crime. To escape exposure and responsibility, accomplices apply the maximum effort to conceal all traces of their crimes. But neither secrecy nor any deliberate openness, which is often used as a disguise, can prevent detection in the long run.

For crime always leaves some traces, and in the case at hand they show that the imperialist powers are accomplices of the international crimes committed by the racist regime of apartheid in southern Africa. These imperialist powers are above all the United States, Britain, the FRG, France, and Israel.

What makes these countries accomplices in the crimes of the racist regime? A variety of things. Let us examine some of them.

THE VASCULAR SYSTEM OF APARTHEID

The racist regime makes war on the people of its own country. It commits aggression against independent and sovereign neighbouring states. It pays the enormous cost of maintaining an occupation army in Namibia. All this, naturally, takes a lot of money. Because, as Cicero once said, money is the mover of wars. There is only one thing that time has added to this notion: nowadays, it takes a lot more money to make war. But the racists in Pretoria obtain much of that money through foreign investments in the RSA economy.

We learn from a report of the UN Secretary-General that in 1984 as many as 1,068 transnational corporations and their subsidiaries were active in South Africa and Namibia; 406 of them were based in the United States, 364 in Britain, and 142 in West Germany. At the end of 1983, their total investments amounted to between 15.5 to 17 billion dollars, or about 8.5 per cent of the country's fixed assets.

The most generous of all is the United States. Its credits to South Africa totalled at least four billion dollars. Mind you, during the first term of the Reagan administration they increased by two billion. And as though this was not enough, the Reagan administration defied the protests of independent African states, and forced the International Monetary Fund to grant South Africa a loan of 1.2 billion dollars in 1982. The IMF also granted up to 8 billion dollars to monopolies active in South Africa as guarantees and insurance of their investments in the apartheid economy. No small sums those! Yet more funds are granted by Britain (whose direct and indirect investments in South Africa total over 11 billion pounds sterling), West Germany (R4 to 5 billion), France (over one billion francs), and other capitalist states.

That is where the racist clique gets the money to pay for the country's militarisation, for the wars it wages, and for its economic programmes. Oliver Tambo, President of the African National Congress, called this outside aid the "vascular system of apartheid". A totally fair and accurate description of financial and economic connivance.

What exactly is this money used for?

First of all, to arm what Pretoria calls its Defence Force.

THE KILL CAPACITY

The racist clique has the largest army on the continent, and an army that is well equipped. Where does it get its weapons? Despite the Security Council ban (Resolution 418), armaments are provided by the already mentioned powers, the accomplices of the crimes and aggressions of the racist regime of apartheid.

For instance, the agencies of some 650 British arms manufacturers in South Africa are doing a brisk trade in all types of weapons and production technologies. These and similar firms manufacture arms, ship them covertly into South Africa, sell licences, and deliver spare parts. And the racists put them to use in the African ghettos, the velds and deserts of Namibia, and in Angola, Mozambique and other front line states. Countless samples—from daggers taken from mercenaries to the scrap of knocked down planes—were put on display by the Angolan government at the time of the Luanda session of the International Commission of Inquiry as material evidence of the complicity of Western powers in the crimes of the racist regime of apartheid.

Further. Foreign money is funding the huge military-industrial complex of the RSA. As a result, South Africa is today producing up to 90 per cent of its own military hardware. The imperialist powers have supplied the racist regime with licences for the manufacture of the latest weaponry, whose technical components, as a Western newspaper reported with cannibal joy, attain the highest level of effectiveness in African conditions: a high kill capacity, quick shooting, and extraordinary destructiveness.*

But one of the most terrible crimes against peace and the security of nations is the provision by the Western powers of the

* One of the latest but not the sole proof of this was the scandalous fact that, in substance with the approval of several ministers of the Federal Republic of Germany, the Howaldtswerke-Deutsche Werft, of Kiel, sold blueprints and specifications for a new type submarine to South Africa for DM46 million at the end of 1986. This obviously shady deal, just one of many, has triggered an outcry in the country and abroad against officials in Bonn. Johannes Rau, Vice-Chairman of the Social Democratic Party of Germany and its nominee to the office of Federal Chancellor, described the deal as a crude breach of national and international law. "To supply arms or technical specifications for their manufacture," he said, "is to side all-out with the inhuman system of apartheid."

intellectual, economic and technical capacity for the production of nuclear weapons in South Africa. Some of the facts of this long-drawn-out crime, that have now become public knowledge, are the following. The United States and Britain, among others, have:

—in 1944 helped study the possibility of extracting uranium from gold-containing ore in South Africa;

—delivered equipment for the mining of uranium, and from 1953 to 1963 were the sole buyers of South African uranium. The access to South African uranium was the key factor that enabled the United States to rapidly build up its nuclear capability in the tensest period of the cold war. All in all, the USA bought at least 43,000 tonnes of uranium for its nuclear buildup programme at the price of approximately one billion dollars;

—backed the US firm Allis-Chalmers in building the Safari-I atomic reactor in 1961-1965, which became the centre of atomic research in South Africa, and in 1981 helped complete the erection of reactor Safari-II;

—trained nine out of every ten South African nuclear physicists, chiefly at Oak Ridge, Tenn., in the laboratory of the US Atomic Energy Commission. These US-trained scientists became active, first of all, at the National Nuclear Research Centre in Pelindaba, north-east of Johannesburg;

—helped Space Research, an Anglo-American corporation, to manufacture and turn over to South Africa through Israel (in circumvention of US legislation on arms exports and the UN embargo) sixty 155-mm howitzers constructed in 1963, along with the production technology for these guns. They have the world's longest range (over 40 kilometres) and fire both conventional and nuclear-tipped projectiles. These G-5 howitzers filled a big gap in RSA armaments;

—did not "notice" (until the 1980s) the traceless disappearance from secret enterprises in Oak Ridge of 775.8 kilograms of highly enriched uranium, an amount sufficient for the manufacture of 85 atomic bombs. Another 80.7 kilograms of uranium, enough to make nine bombs, disappeared from Oak Ridge in the next five years despite the "toughened" security measures since 1979. According to the unambiguous evidence of the American and world press, the stolen uranium is most likely to have gone to South Africa and Israel;

—ever since 1980, the US administration acted on its policy of "constructive engagement" and circumvented the nuclear non-proliferation treaty and other bans to pass on licences, to supply computers and other equipment related to nuclear technologies, and to help and encourage US firms to cooperate with the Pretoria regime in the nuclear field. In 1982, US firms supplied South Africa with an Amdahl 470/7 and in 1983 with a Cyber 170/150 computers. From July 1, 1981 to June 30, 1982, the US administration gave its consent to seven deals involving delivery of computers, supersonic detection appliances, and navigational radio and test gear costing 164.1 million dollars to South Africa. In those three years, too, we learn from *Afrique-Asie* of September 7, 1986, the Reagan administration arranged for the shipment by sea of dressed uranium from Europe to South Africa. In 1983, the US Department of Energy supplied South Africa thirteen licences needed for the construction of the Koeberg atomic power station, defying what the journal *Afrique-Asie* described as vigorous US Congress objections. The press reported other facts of this kind later as well. The world public views all this as reckless undisguised assistance to South Africa in its bid to produce nuclear arms.

It is common knowledge that the FRG has publicly pledged to stay out of the nuclear arms race. In 1961, however, it began providing South Africa with scientific and technical aid in the nuclear arms field. In 1970, the then Prime Minister of the RSA, Vorster, bragged in parliament of a "South African method of enriching uranium". To be sure, no one in the world believed this. It was clear to everybody, notably to experts, where that method had come from. Yet only after a certain time did A.J.A. Roux, President of the S.A. Atomic Energy Board, grudgingly admit, being forced to do so, that the "South African method of enriching uranium" is neither novel nor original, and "resembled the West German one".

The Nuclear Research Society in Karlsruhe controlled by the West German government, we learn from press reports, is still conducting joint studies with South African scientists. A uranium dressing plant has been built in Pelindaba with the assistance of West German experts. AEG-Telefunken and the Gesellschaft für nükleare Verwahrenstechnik are supplying the racist regime with electronic and electrotechnical equipment, special measur-

ing devices and compressors for uranium dressing plant. And Rheinmetall from Düsseldorf has supplied South Africa with components of the FX-70 artillery system that fires nuclear-tipped as well as conventional projectiles.

France's connivance in the atomic arming of the RSA boils down to intensive purchases of South African uranium and the granting of a large loan to the RSA in the 1970s to expand uranium mining, exchanges of information in nuclear physics, and direct participation in the development of uranium deposits. But that is not all. It was from France that South Africa obtained the means for delivering nuclear warheads—Mirage planes—in 1976. It was with France that South Africa concluded the biggest deal of all (for more than one billion dollars) on building two reactors for an atomic power station near Cape Town. This fact, too, "peaceful" though it is on the face of it, is sinister and ominous. Why?

There are two ways of producing the components of nuclear weapons. The first makes use of natural uranium, the second of processed plutonium, a side product of atomic power stations. Both are based on the use of enriched uranium-235. The main difference between them is that the enrichment of uranium used as fuel in a nuclear reactor amounts to about 3 per cent, while the uranium used in making atomic bombs must be enriched at least 80 per cent. The uranium enrichment technique is the most complicated, expensive, and until recently the most secret, component in the nuclear business. Yet, aided by its accomplices, South Africa has mastered this technique.

The moment the power station is put into operation, South Africa will be able to use plutonium, whose yield will amount to an annual 550 to 600 kilograms, practically uncontrolled. Bearing in mind that 8 to 10 kilograms of plutonium is quite enough for making a 200-kiloton atomic bomb, the French "peaceful cooperation" with South Africa in the field of atomic energy may have a determining military effect for the latter.

Speaking at a seminar on the responsibility of the USA and other Western powers for the nuclear arming of the RSA in March 1983, US Congressman John Crocket said that in the preceding 10 years Pretoria had substantially expanded its nuclear activities. As a result, he said, South Africa would soon be able to produce an atomic bomb every fortnight.

The nuclear collaboration of Israel and South Africa, those two racist states, is exceedingly dangerous. It began in the 1960s. By now it has taken on the proportions of a bilateral nuclear alliance. South Africa supplies Israel with material to make nuclear weapons, and Israel supplies South Africa with scientific knowhow for the production of such weapons. Matters have reached a point where a branch of the Israeli Weizman Scientific Institute has been opened in South Africa, while Israeli atomic energy experts have been sent to Witwatersrand University.

South African preparations for testing nuclear weapons in the Kalahari Desert were spotted in 1977. Timely information worldwide helped prevent that nuclear test. In October 1979, a US television correspondent reported with reference to trustworthy sources, that a US Air Force intelligence satellite, *Vela,* had recorded a double flash of light typical of a nuclear blast, at the junction of the Atlantic and Indian oceans at 3.00 a.m. South African time on September 22, 1979. The Carter administration, fearing that this would wreck the Camp David deal on the Middle East which it was then imposing on the Arab countries together with Israel, hastened to publish findings that were meant to soothe the world public. The Reagan administration, too, is keeping quiet for understandable reasons: if Pretoria were found guilty of a nuclear test, this would boomerang against America's policy of "constructive engagement" with the RSA, a policy that also includes aid in the nuclear arming of the racist regime.

Yet documents of the US Navy research laboratory, which recently came into the possession of the Washington Bureau for African Affairs, a US non-governmental organisation, contain the firm conclusion that a nuclear explosion had taken place. This was confirmed by the Defense Intelligence Agency, the Los Alamos nuclear laboratory, members of the Energy and State departments, and, last but not least, the CIA. They also named the culprit. A secret CIA report to the National Security Council in June 1980 said that the choice lay in principle between South Africa and Israel, unless they had made the test jointly.

The London *Sunday Times* pointed out in April 1984, that the blast was detonated not without Israeli involvement, for the RSA could not have done it on its own. It remains for me to add that the explosion was set off by means of a G-5 155-mm howitzer which I have already mentioned. It was made in the

United States to meet an Israeli order and was delivered to South Africa with active Zionist participation.

Prime Minister Pieter Botha, too, indirectly confirmed the test. Speaking in Cape Town on September 25, 1979, that is, three days after the *Vela* satellite detected the explosion, he declared as a warning to the foes of apartheid in South Africa: "If there are people thinking of doing something else, I suggest they think twice about it. They might find out that we have military weapons they know nothing about."

Still more disturbing is the report that Pretoria's nuclear cooperation with the imperialist powers has not stopped. In January 1985, *The Washington Post* reported that 38 experts of the US Carolina Power and Light Company and the Southern California Edison Company are staying on in South Africa. The same paper reported in October 1986 that a S.A. uranium dressing plant capable of producing radioactive material for atomic bombs, will be commissioned in early 1987. Construction of a hot cell complex for highly radioactive substances has been started recently. None of these projects is under IAEA control.

It has also been revealed that the S.A. electro-technical commission, which is in charge of atomic power engineering, has a special strategic account at Chase Manhattan Bank used in the past, among other things, to pay American atomic engineers.

In 1976, the President of the S.A. Atomic Energy Board declared that South Africa owes its progress in the atomic arms field largely to the tutelage and assistance of the United States. More than ten years have passed since South Africa launched its atomic arms programme. And surely no one would venture to say that now US tutelage and aid, and those of other Western powers, have been cut off.

It is easy to see who is providing the racist regime with the most destructive weaponry and thus taking part in its crimes.

However, the 1968 Treaty on the Non-Proliferation of Nuclear Weapons signed by 118 countries, including the USA, Britain and France, makes it incumbent on the signatories possessing nuclear arms "not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon state to manufacture or otherwise

acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices".

This ban applies to the manufacture, preparations to manufacture, and tests of nuclear weapons. No information that can in any way be used to produce nuclear devices may be transferred to other countries.

For over forty years humanity has in its possession the embryo of its own destruction, that is, the nuclear weapon. The Non-Proliferation Treaty was an important step in the drive to ensure survival. Yet imperialist powers have assisted the racist regime in developing its own nuclear bomb. Humanity will not forgive them this breach of solemn accords worked out with so much difficulty by the world community. A joint Soviet-Angolan statement on southern Africa of May 10, 1986, says rightly that the South African racists "challenged the whole civilised world by developing nuclear arms with the assistance of the USA and other Western countries".

CONTACTS, DIALOGUE AND PERSUASION—DEVICES FOR PROCRASTINATION

Another sphere where the accomplices of South Africa are active is that of diplomacy. Here they concentrate their efforts chiefly on two things: to help the racists win time, and to escape responsibility.

I have already related how South Africa sabotaged the Security Council Resolution 435 on a cease-fire and free elections in Namibia. It was able to do so due to the connivance of the United States, Britain, the FRG, France and Canada, which formed the so-called "contact group" in 1977 and pledged "honest mediation" in settling the Namibian problem.

The first round of "honest mediation" aimed at securing a cease-fire and the gradual withdrawal of S.A. troops and other measures that in principle conformed with the UN resolutions, ended by the beginning of 1981. In January negotiations took place in Geneva under UN auspices between SWAPO and South Africa, but they yielded no results. This could not have been otherwise. Because by that time the racist regime had held unilateral elections in Namibia without SWAPO, and the Dem-

ocratic Turnhalle Alliance formed a puppet government under landowner Dirk F. Mudge. To achieve this "result", the "honest mediation" took nearly four years.

The second round of "contacts" opened with the drafting of a new, phased, settlement plan by the group or, more precisely, the Reagan administration. It was ready by September 1981. The composition and character of the elements that would make up the so-called transitional government were to be determined in the first phase; the second would see the elaboration of the principles of the future Namibian constitution, and the third would be devoted to working out the cease-fire terms, to withdrawing the South African armed forces, and holding elections. It took another eight months to discuss the plan. In May 1982, SWAPO and the front line states made known their "deep disappointment" over the American "phased" plan, which they described as "barren".

But why was the contact group's plan rejected? Because, in fact, its purpose was really that of proclaiming Namibia's independence in circumvention of the United Nations, and of transferring power to political puppets. This was quite clearly admitted by Roelof Botha, the apartheid government's Minister of External Affairs. "We hope and pray," he said, "that a government will be established that will deal with us favourably. Namibia's internal political parties do not want us to go, so long as they are not strong enough to control the situation. We want anti-Soviet black government."

By this token, the phased settlement, contrary to Resolution 435, in fact excluded SWAPO, the sole lawful representative of the people of Namibia, from the preparations for and conduct of the elections, and put off fulfilment of the prime Security Council demand for withdrawing the South African occupation army from Namibia until an indefinite time in the third and last phase. It short, the plan of the contact group put everything on its head. This approach, indeed, could not be accepted, for it really was barren.

But that did not seem to be enough. Obviously prompted by Washington, the Pretoria clique said it would not withdraw its troops from Namibia under Resolution 435 until the Cuban contingent left Angola. A clearly ludicrous demand.

Cuban troops were dispatched to the People's Republic of An-

gola at the request of President Agostinho Neto. It will be recalled that on October 14, 1975, South African forces invaded Angola from Namibian territory at US prompting in order to wipe out its revolutionary gains. In a matter of 20 days the South Africans had thrust more than 700 kilometres into Angolan territory. In the north of the country, meanwhile, foreign regulars and mercenaries had encircled Luanda, the Angolan capital.

This was when President Neto turned to Cuba for help. The heroic resistance of the people of Angola, backed by the friendly internationalist forces, halted the advance of the South African troops and paved the way for their subsequent expulsion in March 1976.

A month after the South African troops had been expelled from Angola, the governments of Angola and Cuba agreed on April 22, 1976, on a gradual reduction and ultimate withdrawal of the Cuban force. But that decision has had to be held in abeyance owing to continuous South African attacks. The stay of Cuban troops therefore is due to the aggressions of the racist regime and is based on the right of states to collective defence against aggression, provided for in Art. 51 of the UN Charter.

It follows that the stay in Angola of the Cuban internationalists falls within the exclusive competence of the two sovereign states and has nothing to do with Namibian independence. These are two entirely unconnected issues. Angola's refusal to link them is, ideed, an act in defence of the principle of the sovereign equality of states and that of non-interference in the internal affairs, of other countries in accordance with the formula, *par in parem jurisdictionem non habet*, meaning that an equal has no jurisdiction over an equal and may not command how that equal is to live, what relations that equal has, and when they are to be changed or terminated.

Cuba's internationalist aid to the people of Angola in the fight against the South African aggressors is an important contribution to the general struggle against colonialism, racism and apartheid. Accordingly, the 5th Non-Aligned Conference in Sri Lanka in 1976 congratulated the government and people of Angola on their heroic victory over the racists and thanked the Republic of Cuba and the other countries that helped the Angolans defeat the aggressive colonial strategy of South Africa and its allies.

The heads of the front line states, who gathered in Harare,

the capital of Zimbabwe, in January 1983 to examine a phased plan for settling the Namibian question, resolutely backed Angola's stance despite pressure from the United States and other members of the contact group. And at the 38th UN General Assembly all the other African countries joined Angola in voting for a Namibia resolution that rejected the US and RSA attempt to link Namibia's independence with the withdrawal of Cuban troops from Angola. To acknowledge the "linkage" would go against the principle of sovereignty and assert the primacy of *diktat* in relations between states, putting an end to international law and order.

Nevertheless, the discussion, contacts, conferences, and decisions concerning what were clearly unacceptable proposals of the "phased" plan took more than three years. These delays organised by the contact group gave the racists time to dissolve the puppet government of the Democratic Turnhalle Alliance in 1983, and form a new puppet government in 1985 on a "pluralistic" basis.

In sum, for nine years, the contact group went through the motions of planning, negotiating, concluding agreements, and aligning solution of one set of questions with that of another set that had nothing in common with the first. In short, the United States, its allies, and the RSA, merely dragged out time, taking advantage of the goodwill and time of others. They deliberately misled other states with a show of friendliness, and abused their partners' willingness to cooperate. But everything they did was a screen for their dangerous and egoistic schemes.

True, they failed to achieve their purpose: the pluralistic government devised by the RSA and the whole process of circumventing the UN and unilaterally granting Namibia independence, was rejected by the international community as entirely unlawful. But time, which never stops, was lost. Much time—nine years of it!

But the basic provisions of Security Council Resolution 435—for withdrawing S.A. occupation troops, a cease-fire, and free and honest elections under UN control—have not been honoured since it was adopted in 1978.

The discussion of Namibian affairs at a special session of the UN General Assembly in September 1986 showed that Pretoria and its Western patrons are resorting to pure artifices to delay

Namibian independence. One such artifice is the bid to link Namibia's decolonisation with the presence of Cuban internationalists in Angola. This posture is clear evidence of the wish to keep Namibia under the South African boot at any price.

Some say international law is weak. Its sanctions are not strict enough. The racists are able to ignore it. In fact, however, international law is strong and its sanctions* are severe. All too often, however, they are simply not applied.

It may be recalled that the question of apartheid has been under UN examination since 1952. The General Assembly and the Security Council have time and again described apartheid, colonialism and aggression as a policy that creates a threat to peace and international security.

In November 1962, the General Assembly called on members of the UN in Resolution 1761(XVII):

—to break off diplomatic relations with the RSA;

—to close their ports to all ships flying the South African flag;

—to enact legislation forbidding ships of UN members to enter South African ports, and to refrain from exporting goods to South Africa, including all arms and ammunition;

—to refuse landing and passage facilities to aircraft belonging to the S.A. government and companies registered under the laws of South Africa.

At that time, the General Assembly requested the Security Council to see to the fulfilment of the sanctions, and, if necessary, to consider expulsion of the RSA from the UN.

The United States delegate, however, declared when the questions was still being discussed that the US government would not take part in any measures against the RSA and that it believed the desired changes in apartheid policy should not be "imposed from outside". The USA and, indeed, the other leading imperialist powers, took no part in the actions proposed by the General Assembly.

The Convention on the Suppression and Punishment of the Crime of Apartheid, adopted in 1973, declared apartheid a crime

* Sanctions are acts of compulsion permitted by international law to be applied against offenders of rights and interests enshrined in and protected by international law.

againt humanity creating a serious threat to international peace and security.

Later, in resolutions 2054A(XX), 2202(XXI), 2307 (XXII), 2396(XXIII), 2506(XXIV), and others, the General Assembly censured states that encouraged the obstinacy of the RSA in clinging to racial discrimination by their political, economic, and military cooperation with it. By calling the attention of the Security Council to the fact that the situation in South Africa was a threat to international peace and security, the General Assembly reaffirmed that sanctions were the only possible means of resolving the problems in southern Africa. General Assembly Resolution 2775(XXVI) again recommended the Security Council to urgently consider the situation in South Africa and in southern Africa as a whole with a view to adopting effective measures against South Africa, including those under Chapter VII of the UN Charter. But on that occasion, too, fearing for the future of their investments and profits, the USA, Britain and a number of other imperialist countries voted against sanctions.

Neither did they fall in with the resolute measures set out by the UN General Assembly in 1973 in the ten-year programme of combatting racism and racial discrimination aimed at extirpating apartheid. Again they claimed that contacts, dialogue and persuasion were the best methods of combatting apartheid and colonialism in South Africa, however slowly they would yield fruit.*

The Reagan administration's policy of "constructive engagement" ushered in a new stage, which saw still greater backing of the racist clique in South Africa and still more stubborn resistance to the efforts of the community of nations to invoke the

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* This was recently reaffirmed by Vernon Walters, head of the US mission to the UN. At the 41st UN General Assembly which specifically discussed Namibian independence in the light of Security Council Resolutions 385 (1976) and 435 (1978), the US failed to back a resolution on the unconditional fulfilment of the UN plan for Namibia. Motivating this stance, Walters said the US was in favour of a gradual fulfilment of "the entire Namibian independence package". This was obviously an attempt at dragging out the racist regime's stay in Namibia. Yet the elimination of the racist regime in Namibia, and for that matter, anywhere else in the world, is long since overdue.

disciplinary effects of the law and cut short the policy of apartheid and international brigandage.

In the 1980 elections, Reagan spoke in favour of increasing US influence to hasten "peaceful change" in South Africa through "constructive engagement". Officially, that policy was set in motion on May 14, 1981. That day the then State Secretary Alexander Haig said at a reception for the S.A. Minister of External Affairs, that it would be a new beginning of mutual understanding and trust between two old friends, the USA and the RSA. That May, some restrictions were lifted on sales of computers and nuclear technologies to South Africa. Thereupon, in defiance of the UN embargo, Washington endorsed military shipments to the RSA to the tune of 28.3 million dollars. The shipments included 2,500 truncheons with sophisticated electric shock devices. The USA backed the IMF decision to grant the RSA a loan of 1,100 million dollars, and in Namibia supported the principle of linking independence with the withdrawal of Cuban troops from Angola, and, in the final analysis, the constitution of another puppet government. At the same time, it began using its veto in the Security Council more extensively than ever to shield its "old friend" from the anger of the world community. Here are a few examples.

Despite the obvious aggressions perpetrated by the Pretoria racists against Angola in 1981, 1982, 1983, 1985 and 1986, the United States opposed qualifying them as aggressive acts threatening international peace and security, and invariably vetoed all the sanction proposals of other Security Council members.

In August 1983, the USA was the only country to abstain from voting for a resolution on the withdrawal of RSA troops from Angolan territory; in January 1984 it abstained from voting for Resolution 546 condemning South Africa's bombing raids against Angola and demanding the immediate unconditional withdrawal of S.A. troops from Agolan territory.

From April 21 to 28, 1981, the Security Council examined draft resolutions backed by a majority of its members on introducing comprehensive and mandatory sanctions against the RSA and an embargo on arms and war materiel that could be used in Namibia. All these resolutions were vetoed by the United States. The same occurred in summer 1981 when the Security Council again raised the question of sanctions against South Af-

rica, envisaging, among other things, a mandatory ban on investments, trade, and loans.

Having discussed the situation in Namibia at the Eighth UN General Assembly Special Session in 1981, more than a hundred countries again voted for comprehensive and mandatory sanctions against the racist regime. And again the United States failed to back the proposal.

The Reagan administration has wrecked all Security Council attempts to put an end to Pretoria's acts of terrorism against the neighbouring countries. As I said before, RSA paratroopers who invaded Maseru, the capital of Lesotho, in November 1982, killed 40 Africans. On December 15, 1982, the UN Security Council adopted a resolution strongly condemning the apartheid regime "for its premeditated aggressive act against the Kingdom of Lesotho which constitutes a flagrant violation of the sovereignty and territorial integrity of that country". The Security Council rejected the racists' demands that Lesotho refuse asylum to victims of apartheid. Yet all the efforts of the non-aligned countries to have sanctions applied against Pretoria encountered the frantic resistance of the US delegation, which was backed by Britain.

The US stance was the same with respect to the bandit South African raid into Botswana in the summer of 1985.

Neither does the USA support the initiatives of the international community aimed at stepping up the fight against the crime of apartheid. At the 1982 UN General Assembly, for example, 14 resolutions were adopted on that issue. Two of them by consensus. In the case of two others, the USA abstained, and in the case of the other ten, the most important ones, it voted against (including three times when it was the only country to vote against). In 1983, the USA voted against ten out of the eleven UN General Assembly resolutions on combatting apartheid. And the same in 1984 and 1985.

A resolution that declared the "new constitution" and the "elections" to parliament in South Africa null and void, was voted for by all attending UN members, while the USA along with Britain abstained.

On February 14, 1986, the UN Security Council adopted a resolution censuring any assistance to the RSA regime, that may be used to destabilise independent states in the southern part of Africa. Reluctant to vote against the will of the international

community, the USA and Britain merely abstained from voting.

In May 1986, the South African racists carried out a bandit raid on the capitals of Zimbabwe, Zambia, and Botswana. They blew up housing developments and killed a lot of people, children among them. The Soviet Union denounced this fresh misdeed of the racists. In a statement of May 21, 1986, the Soviet Government called for fulfilment of "the demands of the world community on applying against the racist regime in the RSA comprehensive and mandatory sanctions under Chapter VII of the UN Charter". The fresh act of racist aggression was large in scale and highly reminiscent of analogous bandit raids carried out by the USA against Libya and by Israel against Lebanon and Tunisia. The USA and Britain went through the motions of censuring the racists, but declared in the same breath that they would not allow any resolutions on sanctions against the RSA to be passed. Again they resorted to their veto power to protect the aggressor.

Addressing the 41st UN General Assembly in September 1986, US President Ronald Reagan climbed on the bandwagon for human rights and freedoms. But for all his eloquence, he failed to mention (sic!) the state of affairs in the south of Africa. As though no blood was being spilled there. As though millions of people were not languishing there in racist slavery. As though they were not being denied the chief of all human rights, the right to life. And that is a sign of the total moral bankruptcy of the current US administration.

And there are no grounds to think that the same will not recur again and again in the future.

This brings to mind what could be described as a prophetic utterance by Erik Louw, former South African Minister of External Affairs, who said in an interview back in 1959 that he could not imagine the USA, Canada or Britain boycotting South Africa.

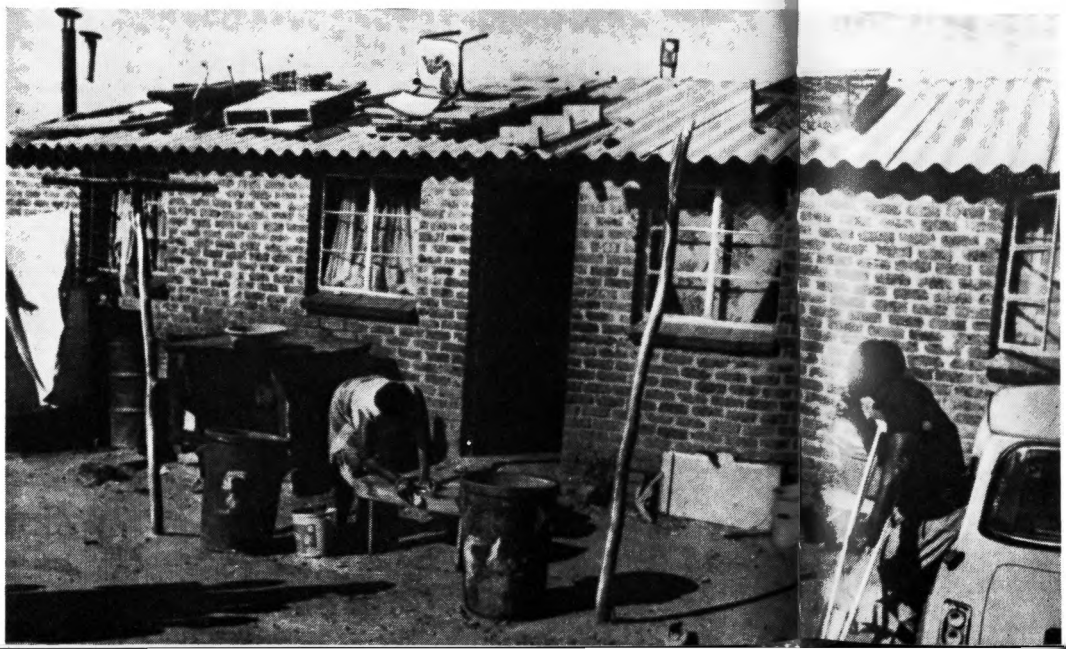
One can only ask why the UN Security Council, which under the UN Charter bears prime responsibility for the maintenance of international peace and security, and for the observance of international law, has not been able for so many successive years to halt the arbitrary and lawless actions. Are the powers conferred on the Security Council and the General Assembly insufficient for this purpose? No, they are not. The Security Council

Weapons of aggression and terrorism supplied to the criminal Pretoria regime by its accomplices

A G-5 howitzer, range 40 km

Helicopters, bombs and missiles—funds and licences to make them come from the West

This show of force is meant to allay the fears of white voters



Backbreaking toil and poverty of Africans is the "currency" in which the racist clique pays accomplices in its crimes

This South African worker lost his arm at work, and with it all hope of ever getting a job. Driven out of the workers' hostel, he exists on meagre alms

has enough powers to initiate measures of all sorts, and may take such action by air, sea, or land forces as may be necessary (UN Charter, Art. 42) to cut short lawlessness and restore peace and order.

It will be recalled, however, that along with the principle of equality of all states, the UN reposes on the principle of the special responsibility of the great powers. They were given the status of permanent members of the Security Council, whose decisions on all issues (except procedural) are adopted by at least nine votes, including the five votes of its permanent members. The veto of any permanent member makes adoption of a decision impossible. And the United States takes advantage of this.

This brings to mind a fairly widespread practice: US spokesmen hold forth on the rule of international law, on the rights of nations and on human rights, and on the face of it this sounds noble and fine. But they do not practise what they preach. They spurn the realities of today and yesterday, and above all the untouchable principles of the UN Charter.

After all, the status of permanent member of the Security Council and the veto power are an expression of trust in the great powers and of their special responsibility for the exercise of the purpose of the United Nations as put down in its Charter. But in the many years in which the UN raised the problem of southern Africa, the United States has invariably resorted to its right as a great power in order to protect its strategic ally and block adoption of Security Council measures aimed at ending the occupation of Namibia and granting it independence. This is clearly abuse of the right of a permanent Security Council member. And evil always breeds evil. In southern Africa it encourages the racist South African regime to spurn the will of the UN majority and helps it to maintain its domination over Namibia and the rest of the region as an arrogant, greedy and cruel "master race" regime which it would like to perpetuate for all time.

PROFIT IS THICKER THAN BLOOD

To apply sanctions against Pretoria is to impinge on one's own interests in the riches of southern Africa.

The land in South Africa and Namibia is very rich in minerals. And minerals, as we know, are the bread of industry. The need in them tomorrow will be not less than today, even greater. The authors of a collection entitled *The Mineral Position of the United States, 1975-2000,* which appeared in 1973, hold that the main aim of America's external economic activity is to expand the circle of possible suppliers of raw materials for its monopoly corporations and to sustain its influence in countries where geological and political conditions are favourable for the acquisition of mining concessions.

Certainly, South Africa and its neighbouring countries to the north right up to Zaire, have precisely the desired "geological and political conditions". All of them account for a fairly considerable share of deposits of ore without which, to quote former CIA Director William Casey, the USA will have neither supersonic jets nor sophisticated submarines. Quite true. It takes 92 tonnes of titanium to build on B-1 strategic bomber, and 33 tonnes to build a Boeing. So Washington turns to the "friendly" racist regime for titanium, chromium, manganese, uranium, cobalt, platinum, and other rare metals essential for building up its military capability.

According to *L'Express,* the French journal, the United States gets 90 per cent of its chromium from South Africa. Western Europe is in much the same situation: in 1984 the EEC countries imported 48 per cent of chromium, 40 per cent of manganese ore, 46 per cent of metallic manganese, 54 per cent of ferrochromium and 35 per cent of ferromanganese from South Africa.

Small wonder *L'Express* reported in 1985, that people at NATO headquarters in Brussels say: "The strategic minerals of South Africa are at least as important for Western defence as the petrol of the Gulf."

Still, each Western country has its own aims. In London's case, for example, South African gold (60 per cent of world output) determines its position as the international banking, monetary, and financial centre of the capitalist world. The ruling white elite in the United States fears that blacks' success in the fight against racism in South Africa will have an undesirable stimulating effect on the struggle of American blacks and other national minorities for their rights.

In the mid-1980s the Federal Republic of Germany thrust into first place in the capitalist world for growth of trade with South Africa, outstripping the USA, Japan, and Britain. In 1985, total FRG-RSA commerce amounted to DM8,200 million. This list of the capitalist countries' "special" interests could be continued. But it is already clear, I think, that to pocket their profits they have to pay the racists, and not only in cash but also with a policy prompted by egoistic motivations rather than justice and law, a policy that shies from sanctions against the apartheid regime.

Should one be surprised at Verwoerd, therefore, who said in 1963, when he was S.A. Prime Minister, in response to UN Security Council censure of apartheid, that his regime would not be intimidated, for it knew its value to the West. The West, in turn, also knew the "value" of the racist regime. None other than Ronald Reagan was quoted by *Time* magazine as saying in one of his first interviews in March 1981 that South Africa is "a country that has stood by us in every war we've ever fought, a country that, strategically, is essential to the free world in its production of minerals".

One must not assume, however, as *Le mond diplomatique* put it, that the US attitude to the Pretoria regime is spurred exclusively by the thirst for profit and the demand for minerals. It is also spurred by sentimental reasons, by the wish to relieve South Africa of its present disgraceful status of the world's "racist leper".

One of the factors behind the interest in South Africa of the United States and its NATO allies is its "geopolitical" importance. The Pentagon wants more military bases, ports and airfields on African soil for its Rapid Deployment Force. And there are those who are willing to accommodate it. Among them is South Africa, which has long since offered the United States use of its military facilities.

South Africa does not confine itself to mere offers. Recently, it modernised the naval base at Simonstown. Now it can service 50 warships at a time, or considerably more than Pretoria itself possesses. One more naval base is under construction on the eastern shore, in Kosi Bay near the border with Mozambique. South Africa is building a submarine and surface fleet at crash rates, and the Pentagon is helping it plan operations for inter-

cepting and sinking foreign ships. In one exercise in 1985, a South African fleet covered about 4,000 miles in the Indian Ocean. It appeared near the shores of Reunion, Madagascar, the Comoro Islands, Tanzania, and Mozambique. The air space of the South Atlantic and the Indian Ocean is monitored by Pretoria's electronic "eye" (the tracking station concealed deep underground at Silvermain), and all more or less important intelligence is immediately passed on to Washington.

There is also the idea of having South Africa join NATO or of setting up a military bloc in the South Atlantic (South Atlantic Treaty Organisation) in which Pretoria and Washington would play the leading role. Such an alliance would fit beautifully into Reagan's extensive strategic scheme with an ideological foundation which the Washington hawks have given the convenient signboards of "defence of the free world", "crusade against communism", and "combatting international terrorism", accompanied by the biggest military escalation of all times now under way in all directions. One cannot be sure, therefore, that US imperialist quarters will sidestep the temptation of forging yet another aggressive alliance and including in it, above all, the racist Pretoria clique, which is prepared to go to any length. That is yet another reason why the USA is eager to support South Africa, a citadel of aggression and state terrorism.

So much for the accomplices in the crimes of the racist regime. So much for their unlawful actions most briefly described. The prevailing conspiracy of silence, benevolent statements about the criminal regime, financial aid and diplomatic support have in one way or another facilitated offenses against and breaches of such important acts of international law as the UN Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Nuclear Non-Proliferation Treaty, and various conventions on preventing and punishing the crimes of apartheid and genocide. This has resulted in aggressive wars, which disrupted the peaceful and constructive life of the neighbouring states, coupled with systematic and unjustifiable plunder of the riches of other peoples, and with carnage and destruction. These acts are above all crimes committed by the racist RSA government. But they are also crimes committed by its accomplices who have morally, materially and politically facilitated, encouraged or instigated their commission by the racist regime.

5 Chapter THE OPPRESSED HAVE THE LAW ON THEIR SIDE

A World Turned Inside Out

The Duty and Obligation of Nations

International Law Backs the Freedom Fighters

The Law Must Be Carried into Effect

The broad Western involvement in the economic, military, diplomatic and political affairs of South Africa encourages Pretoria in its policy of racial discrimination and, indeed, creates grounds for various juridico-political speculations. People (in the country and abroad) are made to believe, for example, that the policy and practice of apartheid has the unfailing support of the Western "democracies" because it is lawful and founded on juridical principles officially entrenched in the country's constitution and other legislative acts.

By definition, the actions of those who oppose this policy are qualified by some as unlawful, contrary to the rule of law, terroristic, and unjustifiably eroding the way of life in South Africa based on law, order and organisation. Propaganda actions to that effect by racists and their ideological abettors across the world are countless. But what they amount to is a deliberate lie misleading gullible people.

A WORLD TURNED INSIDE OUT

There are more than enough laws in the racist state that have legislatively entrenched apartheid. Nor can these laws be denied the appearance of juridical completeness and legal form. By forbidding one thing and allowing another, their standards establish a certain order in the overall mass of human actions, and serve as a criterion of lawful and unlawful conduct by subjects of the prevailing relations. But that is the formal side of the matter.

In actual fact, not every law can be the basis of legality and rule of law. Because any law worthy of its name for actual legal nature and not mere form, is an expression of the measure of freedom, of justice and morality, in relations between citizens. It applies the same scale of demands in relation to all citizens of the state irrespective of race, sex, religion or colour of skin. Legalisation of inequality, of privilege and disrespect for the individual, whoever that individual may be, is an inconceivable and unnatural use of the form and purpose of law, for it can only disfigure natural and decent relations among people. The loftiest vocation of law is to ensure peaceful life and progress.

In short, law and abuse are incompatible as light and darkness are incompatible. Whatever comes within the bounds of positive law, leaves out abuse. Conversely, whatever is subordinated to abuse is not embraced by true law.

But what do we see in South Africa? We see an undisguised cynical rejection of all universally recognised values, criteria and principles of the rule of law in civilised society, which comprise the very substance of the international community and the foundation of its present-day existence—rejection of all this for the sake of white supremacy, of the egoistic demands, privileges and interests of the whites.

As I have pointed out earlier, the UN Charter defined promotion and encouragement of "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" (Art.1, Para.3) as one of the purposes of the United Nations. In South Africa, on the other hand, the personality of the non-white inhabitant was and is absolutely excluded from the notion of citizen of the state, and was and is an object of despotic and discriminatory racist rule.

In Ancient Greece (V-IV centuries B.C.), that classical slave country, the franchise extended to more than half the population. In other words, as Woodrow Wilson, later US President, pointed out, 130,000 free citizens had the franchise, and 100,000 slaves did not. In the "democratic" state of South Africa, on the other hand, only 4.5 million whites have been conferred the right to elect and be elected, while the rest of the population of more than 30 million is denied this right. Participation of coloureds and Indians in electing the tricameral parliament in 1984 has changed nothing, for they have been granted the right to elect what are merely racial chambers.

These chambers can raise only their own racial problems. The formula "their own affairs", used in this context in the new Constitution of South Africa, excludes from the competence of these chambers the discussion and resolution of the legislative issues of the apartheid system. As a result, apartheid is constitutionally protected against any attempts at changing anything on the part of the racial chambers.*

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* The racist nature of this legislative innovation of the apartheid regime is borne out by the statement of Van Zyl Slabbert, former leader

Need I, therefore, say that the Constitution of the RSA, endorsed by whites only, and all the other laws enacted on the basis of that Constitution, are not the kind of laws that a state enacts for its citizens, but laws enacted by the minority against the majority, that is, laws constituting positive sanctions of arbitrariness, while the process of their adoption by parliament in which more than 85 per cent of the population is not represented on an equal footing, constitutes a flagrant abuse of power.

As we know, action is the first condition of law. A human being does not exist for the law and is not an object of law in isolation from his actions. As Karl Marx wrote: "My actions are the sole thing by which the law has a hold on me; for they are the sole thing for which I demand a right of existence, a *right of actuality*, owing to which therefore I come within the sphere of *actual law*."*

Yet in South Africa the main indicator of an individual's juridical status, and consequently of the volume and character of the rights he is granted or denied, is not action as such, but the colour of his skin, his belonging to a racial group. All the rest follows from this. The entire complicated system of laws consisting of thousands of chapters, articles and paragraphs has been created to maintain the colour bar contrary to the principles of law and the actions of the international community which strives to banish all discrimination, all efforts to identify each individual with a specific racial group, from the legislation of all countries.

The stigma of black, coloured or Asiatic, is stamped in the papers of millions of South Africans on the basis and according to the main apartheid law, the Native Registration Act of 1950.

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of the opposition in the parliament. "The creation of tricameral parliament," he said in August 1986, "has laid still greater emphasis on segregation, showing that blacks will not be permitted to participate in government. To remain in such a parliament is tantamount to creating the illusion that something can still be done within its walls, although it is clear that nothing can be done there. Having convinced myself that peaceful change is impossible in South Africa, that the government's course has no future, I have stepped down from the post of leader of my party and of the parliamentary opposition."

* Karl Marx, "Comments on the Latest Russian Censorship Instruction", Karl Marx, Frederick Engels, *Collected Works*, Vol. 1, 1976, p. 120.

This not only demeans the dignity of the human person, but also denies him all rights flowing, as it says in the Covenants on Human Rights, "from the dignity of the human person". Not for actions, not for any wrongdoing he may have committed, but for the colour of his skin, that is, for a trait of his individuality that he cannot alter and that is nevertheless regarded as something indisputably bad. How can anyone say, therefore, that the "law" whereby this was and is being done in South Africa today, may be rightfully called law? No, it is not law, but repression disguised as law.

Take the "act" on resettling in bantustans 3.5 million Africans ("as though they were not human beings", as Desmond Tutu, Nobel Peace Prize winner and the first black prelate of Johannesburg, once bitterly remarked). The same act granted them, one after another, "independence" in order to turn them still more into reserves of cheap (and after "independence" also "alien") labour, on the one hand, and, on the other, into an instrument of genocide second only in all human history to those devised by the Nazis. Is not all this obvious and undisguised arbitrariness?

Or take the acts on settlement by racial groups, on segregated education, on the purity of the white race, on medical nurses and many many others—those recently revoked as well as those not revoked. Are these acts intended to unite people? No, they are intended to disunite them. They blot out the equality of citizens before the law and are totally incompatible with the honour and dignity of the human being. For by these acts one person may do something that another may not do. Not because the latter lacks some objective faculty—like a child, for example, which cannot, say, conclude contracts—but only because he or she has a different colour of skin. Does not law then become a source of privileges, lawlessness and injustice? Thomas Jefferson, one of the first US presidents, said: "It is not only vain, but wicked, in a legislator to frame laws in opposition to the laws of nature... This is truly creating crimes in order to punish them."

More than 300 years ago, Francis Bacon, the eminent English thinker, wrote: "In civil society, either law or force prevails. But there is a kind of force which pretends law, and a kind of law which savours of force rather than equity. Whence there are

three fountains of injustice; namely, mere force, a malicious ensnarement under colour of law, and harshness of the law itself."

It is racist force which pretends law, and not law in the generally accepted sense, which constitutes the juridical basis of the "legality" of the inhuman system of apartheid in South Africa. As a result, that which the racists consider law is for the non-white population of the country and for the international community a flagrant violation of law. Because the entire system of apartheid is in relation to the world of human civilisation, using Marx's words, a "world turned inside out", that is, legalised lawlessness.

No matter how hard racist propaganda tries to prove the reverse, it is a fact that the regime of apartheid, genocide, colonialism and aggression, which through its juridical institutions strips the vast majority of its people of legal personality, is essentially bereft of legality and cannot rightfully declare itself an independent state entity. Only anti-racist democracy based on the will of the majority of the population can give the South African state the legality that it has lost today. This is expressed in the fact that the international community has qualified the system of apartheid as an international crime and, indeed, has by its actions aimed at abolishing the criminal system.

THE DUTY AND OBLIGATION OF NATIONS

It is generally thought that the treatment a government metes out to its citizens, granting or denying them some right or freedom, is something that the governments of other countries or the world public must not meddle in. The UN Charter, too, forbids such interference for fear of breaching the country's sovereignty. Under Arts. 2 and 7 of the UN Charter, the United Nations must not intervene in matters "which are essentially within the domestic jurisdiction of any state", and will not require any members of the UN to submit such matters for settlement to other states or the UN or anyone else. The racist regime refers to this principle and invariably describes all acts of the world public and the United Nations pleading the rights of the non-white population as gross interference in South Africa's internal affairs. But this stance is a fraud.

It is true, of course, that each person in his country enjoys

the rights envisaged in the laws of that country. It is beyond question, too, that the enactment of laws and regulations is completely and wholly a prerogative of the state itself, and interference in this process is a violation of its sovereignty. But it is equally true that the UN Charter defines and formulates (in the Preamble, Art. 1, Art. 55, Para. C, and elsewhere) the common principle of respect and protection of human rights under international law, providing in Art. 56 for joint and separate action to be taken in cooperation with the UN for the achievement of human rights and freedoms.

In other words, any state that is a member of the UN has voluntarily pledged to abide by the principle of respect for human rights and basic freedoms without distinction as to race, sex, language and religion, and also by the concrete rights and freedoms entrenched in the Universal Declaration of Human Rights of 1948 and other acts of international law, and to assist in making them general politico-juridical practice. One of the ways in which a state abides by this commitment is by enacting the principle of respect for human rights and freedoms as a standard of its own national law.*

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* The legislative practice of the USSR is an example of this.

The economic, social, cultural, civil and political rights entrenched in the Universal Declaration of Human Rights and the various international covenants, arise from the humanitarian social essence of man. The international community of nations wants to provide every man, a citizen of any state no matter what country he lives in, with these rights.

The above instruments of international law list among these rights the right to work, to social security, to education, health protection, use of cultural achievements, free choice of occupation, equal pay for equal work, the right to rest and leisure, etc. Also declared to be inalienable human rights are the right to life and security, to freedom of the individual, the right to matrimony and to having a family, to freedom of assembly, to forming associations and organisations, freedom of speech and opinion, the right to self-management, the right to elect and to be elected, and so on.

The new Soviet Constitution has legislatively fixed and guaranteed human rights. Chapters 6 and 7 in Section II examine the position of the individual, citizen, in a state of the whole people. They elaborate on the rights named in the international covenants ratified by the Soviet Union. The USSR Constitution does not use the term "human rights" and uses only the term "rights of citizens", because what we call in international law human rights become rights of citizens in the sphere of domestic law.

There is also this other form of cooperation among states in protecting human rights: the obligation of each of them to align its definition of the volume and nature of the rights of its citizens with the purposes of the United Nations and the juridical norms flowing from various international instruments. This means, among other things, that the restrictions imposed on the rights of citizens in a country may not completely negate those rights, and that if any restrictions are indeed imposed, they must apply to all citizens with no discrimination as to colour of skin or on some other grounds. If this is not so, the international community, like the public at large, may come out against these breaches on behalf of human rights and freedoms.

These days, the West prefers that the complaints and grievances of individuals should be dealt with by international organisations. But can breaches of human rights by the apartheid regime be effectively combatted by individual appeals to international organisations when the rights of millions of South Africans are most grossly ignored?

That is the explanation behind the stance of the world public: at present, the main method of protecting human rights internationally is for the community of states and for the international public to come out vigorously against mass violations of human rights. This conforms with the principles of international law and its specific provisions.

If the rights and freedoms of persons are grievously outraged "so as to create conditions which threaten peace or to obstruct the application of provisions of the UN Charter, [we read in a UN document] then they cease to be the sole concern of each state" (see *Documents of the United Nations Conference on International Organization*, San Francisco, 1945, Vol. VI, p. 705).

UN General Assembly Resolution 32/130 of December 16, 1977, cites as examples of mass and flagrant violations of human rights situations "resulting from apartheid, from all forms of racial discrimination, from colonialism, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognise the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources".

It follows that "mass and flagrant violations of human rights"

is the criterion of breaches of human rights of an international nature. In such cases, the UN is legally entitled to apply measures of compulsion against any state that has by its behaviour jeopardised the very rules and principles underlying UN efforts to ensure peaceful cooperation among nations of the entire world.

Apartheid is an international crime, that is, the most flagrant and in scale the most massive violation of the fundamental rights of African peoples. A negation of national as well as human rights, a cause of conflict between the peoples of southern Africa, apartheid is the sort of crime that contains explosives that can at any moment blow up peace and international security. And as such, as an international crime, it cannot be a question of national jurisdiction and, therefore, cannot rule out outside intervention. On the contrary, it is the right and duty of every state and of the international community of nations as a whole, of any decent person, to work for an end to apartheid, and for eliminating the reasons and conditions that make it possible.

That is exactly why the UN General Assembly and the Security Council regularly condemn the criminal excesses of the racist regime, and, indeed, call on the world public to step up its efforts of ending and rooting out the evil. The 33rd General Assembly alone, for example, adopted 15 resolutions on the subject of combatting apartheid, including the following: International Mobilization Against *Apartheid*; Tributes to the Memory of Leaders and Outstanding Personalities Who Have Made Significant Contributions to the Struggles of the Oppressed Peoples; To Cease Forthwith All Collaboration with the Racist Regime of South Africa in the Nuclear Field; Assistance to the Oppressed People of South Africa and Their National Liberation Movement; A Cessation of New Foreign Investments in, and Financial Loans to, South Africa, and so on.

The United Nations, the Organisation of African Unity, the Non-Aligned Movement, the Afro-Asian Peoples' Solidarity Organisation, and the world public are as active as ever against the racist and apartheid regime in southern Africa. In the early half of 1986, for example, international conferences at governmental and non-governmental level took place under UN auspices in Paris and Vienna on sanctions against the RSA and for immediate Namibian independence.

The people of the Soviet Union, the socialist world as a whole,

are firmly and organically opposed to racism and racial discrimination. Imbued by the lofty idea of changing people's relationships in the spirit of complete equality and ending any and all exploitation and oppression of man by man, the Soviet Union and the other socialist countries are calling for the abolition of racism and racial discrimination in South Africa and elsewhere in the world. The 27th Congress of the Communist Party of the Soviet Union, which gathered early in 1986 and was attended by representatives of Communist and Workers' parties and of the national liberation movements of more than 150 countries, reaffirmed this once more. Today, it was said at the Congress, it is more important than ever to achieve closer and more productive collaboration with governments, parties and mass organisations and movements, with all peoples, in order to root out genocide and apartheid, the propagation of fascism and all other racial and national exclusiveness, as well as discrimination of people on these grounds. And that is understandable.

If the progressive countries had not come out against the policies of the racist regime in South Africa, they could have been looked upon as unwitting accomplices of the flagrant violations of human rights resulting from the policy of apartheid. The progressive public, too, would have tainted itself by unwitting collaboration if it had fallen for the racist propaganda complaints of "unlawful interference in the internal affairs of the RSA"—groundless from beginning to end, both juridically and in fact.

INTERNATIONAL LAW BACKS THE FREEDOM FIGHTERS

The struggle of the peoples of South Africa and Namibia for national liberation, fought over many years, has a firm foundation in international law. It is not a mutiny. Nor has it been inspired from without, as bourgeois propaganda sources would have us believe. Violence, discrimination and oppression had accumulated in South Africa over the centuries, with each passing year only adding to the cumulative evil, to the inflicted abominations and the humiliation of man by man. Then came the time when the cup of human suffering spilled over. Slowly but surely, the day of retribution approached. Until the peoples of South

Africa and Namibia, like the other peoples of Africa before them, embarked on a liberation struggle with resort to all available means.

The racists and their abettors doggedly continue to portray that struggle as a mutiny against the lawful authorities with no justification in international law. And there are still people in the world who believe their tale. Unable to comprehend the social nature of the resistance and struggle, and ignorant of its basis in international law, they only see that the racists are in power and that if they hang anyone, this means the hanged person is a dastardly criminal. But that is not so at all. And the racist propaganda is nothing but a deliberate distortion of the will of the international community expressed in clear-cut legal standards.

International law is in its entirety on the side of the embattled peoples of Namibia and South Africa. These days, none (but doubting thomases and cynics) question the fact that "all peoples have the right to self-determination", and that "by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (Art. 1 of the International Covenant on Economic, Social and Cultural Rights). Neither does anyone question the fact that "the subjection of peoples to alien domination and exploitation constitutes a denial of fundamental human rights" (Declaration on the Granting of Independence to Colonial Countries and Peoples).

The above has its source in the UN Charter, the main normative act of international law, which requires members of the United Nations "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". In later years the self-determination principle was reaffirmed and elaborated upon in resolutions of the 5th, 6th, 7th, 12th, 13th and other UN General Assemblies.

The General Assembly resolutions invariably emphasise these two main aspects of the self-determination principle: (a) the attainment by the colonial peoples and countries of political independence, that is, of their own national state, and of a political system desired by the nation concerned without foreign intervention, and (b) the attainment of economic independence and the building up of national economy.

According to the 1970 Declaration on Principles of Interna-

tional Law, all states are obliged "to refrain from any forcible action which deprives peoples . . . of their right to self-determination and freedom and independence".

It follows, therefore, that self-determination is the line of march to the liberation of peoples from colonial and any other dependence. The right to self-determination entrenched in treaties and agreements is now acknowledged not merely as one of many juridical imperatives but also as an element of the peremptory and fundamental rules serving as the basis for international law and order known as *jus cogens*. These rules have supreme juridical and moral force in the system of the law of nations. Peremptory rules are universal and are the pillars of the entire system of international law. They cannot be brushed aside at the will or bidding of any state that disagrees with their peremptory force. They can only be replaced by another generally recognised rule that revokes the primary universally obligatory juridical rule. In short, having once been adopted and never revoked, the standard of self-determination is unconditionally obligatory for all subjects of international law without exception.

All peoples have the right to self-determination. What is more, the Declaration on Principles of International Law says that "every State has the duty to refrain from any forcible action which deprives peoples referred to above . . . of their right to self-determination and freedom and independence", while "in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter".

The right to fight wars of liberation and to resort to force in attaining freedom is also recognised in the Definition of Aggression (29th General Assembly Resolution 3314), whose Art. 7 says that nothing in the definition of aggression "could in any way prejudice the right to self-determination, freedom and independence of . . . peoples . . . under colonial and racist regimes or other forms of alien domination". Nor does that definition in any way prejudice the right of these peoples to seek and receive support in their struggle for freedom.

It follows that international law recognises not only the right of peoples to self-determination, but also—as never before, quite concretely and unambiguously—their right to fight for national liberation. Consequently, portraying that fight as an unlawful

"mutiny" against the prevailing colonial and racist authorities, as this is done in imperialist propaganda, is juridically groundless.

Recognition of the right of peoples to self-determination also means that they have the right to an instrument through which this right is exercised. Today, the juridically sanctioned means of exercising the right to self-determination is the national liberation movement. For without linking the right to self-determination with a viable subject and its accompanying political institutions, that right is bereft of any meaning, because to be properly exercised every right calls for the application of an appropriately organised human effort.

The UN General Assembly first referred to the representative character of national liberation movements in the 1960s, updating international law to that effect on the prompting above all of the struggle of the peoples of Angola, Mozambique and Guinea-Bissau against Portuguese colonial rule.

In 1965, the 20th General Assembly first recognised "the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence", and in the same breath invited "all States to provide material and moral assistance to the national liberation movements in colonial territories". The following year, the General Assembly went further still by stating that the survival of colonialism and its manifestations, including racism and apartheid, were imcompatible with the UN Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples. It added that colonialism was a menace to world peace and security and that the practice of apartheid was a crime against humanity.

This had far-reaching juridical consequences. For with this approach, the "domestic jurisdiction" referred to in the appropriate article (2.7) of the UN Charter no longer applied to "colonial" issues, including those of apartheid and racism in South Africa. It is the people of the given territory that is endowed with sovereignty, not the colonial power, with the liberation movement possessing international personality as a representative of that territory.

The SWAPO became such a personality. In 1973, the General Assembly recognised it as "the authentic representative of the Namibian people" and three years later again termed it "the sole

and authentic representative of the Namibian people". It supported SWAPO in its efforts to buttress national unity and to fight with arms in hand for self-determination, freedom and national independence. In doing so, it called on other states to assist SWAPO in its struggle. The General Assembly invited SWAPO to take part as an observer in its work and in conferences held under its auspices (later also in all other UN agencies). As a result, SWAPO has acquired the special status of a body exercising Namibia's right to self-determination. SWAPO also has special connections with the UN Council for Namibia, which is at present the authorised UN body for the administration of Namibia.

The UN General Assembly Special Session on Namibia that took place in September 1986 endorsed the resolution, the draft of which was submitted by 13 African and other non-aligned countries. The resolution condemned the South African regime for its prolonged occupation of Namibia and urged Pretoria to withdraw its illegal administration, army and police from Namibia immediately and unconditionally. It reaffirmed that the UN plan for Namibia's independence, outlined in the Security Council's resolutions 385 (1976) and 435 (1978), is the only internationally recognised basis for the peaceful settlement of the question of Namibia. Proceeding from this, the Special Session called upon the Security Council to use forthwith its powers to stop any distracting manoeuvres of the apartheid regime and compel it to abide by the UN resolutions. It also condemned the Western states' policy of "constructive engagement" with the RSA and of linkage of Namibia's independence with the withdrawal of Cuban troops from Angola. It reiterated that the struggle of the Namibian people under the leadership of SWAPO, its only and genuine representative, is legitimate, since it purports to give a strong rebuff to South Africa's aggression, to achieve self-determination and liberate Namibia.

In the Republic of South Africa one of the recognised instruments for the exercise of the right to self-determination is the African National Congress. Like SWAPO, the ANC has revived the verities deliberately destroyed by the racists, such as the dignity of the individual, the individual's right to being respected, to independence of conscience, and the right to choosing one's own way. The ANC put an end to the tactic of begging for

freedom and expecting grace from the colonialists. Today, too, the organisation carries the torch of freedom and self-determination. Africans in South Africa have nowadays renounced the idea planted by their oppressors that they are incapable of running their country, and have embarked on struggle to regain their original right to have their own state free of colonialism. They are doing so under the guidance of the ANC, and the family of nations as represented by the UN has taken their side.

Resolution 3411 G adopted by the General Assembly in 1975 by a roll-call vote of 101 to 15, with 16 abstentions, declared that "the racist regime of South Africa is *illegitimate and has no right to represent the people of South Africa* (my italics.—*M.V.*)".

It reaffirmed the "legitimacy of the struggle of the oppressed people of South Africa by all means possible for the total eradication of apartheid and the exercise of the inalienable right of self-determination". It added an important point, namely, that "national liberation movements are the authentic representatives of the overwhelming majority of the South African people".

To arrive at this conclusion, the international community had had to define the social relations prevailing in the territory of the Republic of South Africa as colonialism of a special kind. This is expressed in the fact that the whites and non-whites in South Africa live in the same territory, have one and the same homeland, and are citizens of one and the same state. At the same time, some of them, the whites, are colonialists, while the rest, the non-whites, are victims of colonialism. The white minority has by means of the law, force and authority of the state, which it turned into a tool of its colonial rule, seized possession of the land and the natural wealth, the rights and freedoms that had priorly belonged to non-whites, and turned the latter into aliens stripped of rights, oppressed, though living in their own homeland.

As a result, the system of apartheid as official state policy was found to be a breach of the standards, rules and norms of the international community that have outlawed racial discrimination (see the ruling of the International Court of Justice on Namibia in 1971), while attainment of racial equality of rights (see General Assembly Resolution 2106 B(XX) of 1965, and others)

was directly associated with, even assimilated by, the standard of self-determination.

What this means is that the massive disfranchisement in South Africa was, and still is, an issue relating to self-determination and the decolonisation of the country's non-white population. Furthermore, the policy and practice of apartheid which demeans people on grounds of race and is marked by racial discrimination, is now qualified in customary law as well as in the law of treaties as a crime against humanity. The most vivid and juridically most conclusive instrument to that effect is the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Hence, there can be no doubt about the right of the people of South Africa to overthrow the racist colonial system that is unconditionally acknowledged as a crime against humanity. In other words, apartheid today is not simply a question of human rights that can be resolved by requisite corrections of its system through reform. It is an extreme form of racist colonial domination, and as such requires extraordinary decisions by the world organisation of states and by international law. It cannot be reformed, and has got to be abolished. That is the precept of the law and the imperative of history, whose endless progress cannot be halted.

There must be no innuendos. Everything must be clear. Progress makes difficult headway. Each step forward calls for much effort and sometimes, indeed, for sacrifice and bloodshed. Colonialism and racism will not depart from the stage of history of their own free will. On the contrary, the harder pressed they are, the more desperately they seek to consolidate their rule by force, as the wave of violence in South Africa proves once again. And the only way the people can constitute their own free state is by wiping out that rule by resort to arms. That is the response to the force of the oppressors.

Revolutionary force is not only just, but also lawful. The right to it is recorded in many documents of the community of nations.*

* Referring to its resolutions 2649(XXV) of November 30, 1970; 2955(XXVII) of December 12, 1972; 3070(XXVIII) of November 30, 1973; 31/34 of November 30, 1976, and others, the UN General Assembly reaffirmed in its Resolution 32/14 of November 7, 1977, the "importance of the universal realisation of the right of peoples to self-deter-

It was a big achievement of the international community to extend the Geneva Principles to "armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination" (1977 Protocol I Additional to the Geneva Conventions of 1949).

It follows, says the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, that the personnel of organised resistance movements belonging to the side involved in a conflict and active on their own territory or outside it, even if that territory is occupied, are lawful combatants and not criminals opposing the allegedly "lawful" authority.

Humane standards of international law are to be applied to freedom fighters belonging to national liberation movements who, owing to some vicissitude of fate, are captured with arms in hand. Because, as established in the Hague and Geneva Conventions, captivity is not an act of revenge, not a punishment, but an exclusively preventive detention whose sole purpose is to hinder the prisoner of war from taking further part in the hostilities. This law, however, is being grossly violated by the RSA authorities.

The racist authorities treat SWAPO and ANC fighters as common criminals, and resort against them to fist, whip, starvation, electric shock, bullet and the gallows.

A large share of the responsibility for this devolves on the allies of the South African regime, because the Geneva Conventions specify that States not only undertake to respect their provisions but also to ensure respect for them on the part of other States. This obviously obliges the allies of the Republic of South Africa, and especially those that grant it considerable economic, political and military aid, to see to it that the regime should abide by the provisions of the Conventions. If they fail to do so, they are themselves offenders against Art. 1 of the Geneva Conventions. The same idea is contained in Art. 1 of Protocol I Additional to the Geneva Conventions of 1949 on the Protection of the Victims of War, which says that "the High Con-

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mination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".

tracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances".

Summing up the changes that have occurred in recent years in the regulation by international law of issues related to the struggle of the people for their liberation, some scholars register the following "most extraordinary developments" of the law:

1. Recognition of the right to self-determination and independence, and acknowledgement of the equality of races.

2. Recognition of the right to struggle against colonial authorities and to abolish apartheid and racial discrimination.

3. Recognition that the peoples are authorised to fight against colonial domination and against apartheid by all means at their disposal, including forcible means.

4. Recognition that the inhuman acts resulting from apartheid are a crime against humanity.

5. Recognition of freedom fighters as "legitimate combatants" that may not be punished for revolting or fighting, and may be held responsible only if they violate laws and customs of war.

6. Recognition of the right of other states and international organisations to aid peoples fighting for their independence, and of the legitimacy of requesting such aid.

7. Recognition that governments are forbidden to resort to force against a people fighting for its independence and self-determination.

8. Recognition that colonial domination and apartheid are situations of such intolerable injustice that their continuance leads to disturbances, revolutions, and internal wars.

9. Recognition that the continued existence of such situations is a threat to peace, which authorises the UN Security Council to take the actions provided for in Arts. 41 and 42 of the UN Charter.

It is clear from the above that contemporary international law fully and conclusively entrenches the legitimacy of national liberation wars and of aid granted by states to movements waging such wars. Colonialism, apartheid and racial discrimination are qualified as international crimes and are thereby juridically identified with aggression, including acts of state terrorism, while by definition national liberation wars acquire the same lawful character as self-defence against aggression.

These conclusions repose on the firm foundation of agree-

ments and treaties that have been universally recognised and have become an indissoluble element of international law and order. And though I have already referred to them time and again, let me list them once more, and provide each with a brief description:

1. The *UN Charter* which, among other things, proclaims respect for human rights and for the fundamental freedoms of all without distinction as to race, sex, language or religion.

2. The *Charter and Judgement of the International Military Tribunal in Nuremberg*, under which crimes against peace, war crimes, and crimes against humanity, including crimes on racial grounds, are subject to criminal punishment whether or not they are committed in violation of the country's domestic law.

3. The *Universal Declaration of Human Rights (1948) and the Human Rights Covenants (1966)*, which list the economic, social, cultural, political and civil rights to be enjoyed by all citizens of all states as members of politically organised societies and whose exercise all states are obliged to facilitate.

4. The *Declaration on the Granting of Independence to Colonial Countries and Peoples (1960)*, which defines the content of the principle of self-determination and provides the basis for the struggle of peoples by all available means for achieving and consolidating their independence. The Declaration called for "bringing to a speedy and unconditional end colonialism in all its forms and manifestations", preventing any subjugation of peoples to a foreign state and their exploitation, not delaying the granting of independence under any pretext, prohibiting any military actions or repressive measures against dependent peoples, and any attempts at disrupting the national unity or territorial integrity of peoples.

5. The *Declaration (1963) and the International Convention on the Elimination of All Forms of Racial Discrimination (1965)*, which declared the need for immediately abolishing in all parts of the world racial discrimination in all its forms and manifestations, and recommended requisite measures of an internal and international nature, and particularly measures for revising the policy of governments and abolishing laws and regulations that breed and perpetuate racial discrimination, as well as measures aimed at ending the policy of racial segregation, notably apartheid. The Convention also qualifies as a crime the

spread of ideas based on racial superiority or hatred, all instigation of actions directed against any race or a population group of a different colour of skin or ethnic origin.

6. The *Convention on the Prevention and Punishment of the Crime of Genocide (1948) and the Convention on the Suppression and Punishment of the Crime of Apartheid (1973)*, which qualify genocide and apartheid, both being based on racism, as grave crimes, and require their perpetrators to be punished for committing them.

7. The *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968)*, which lists the inhuman actions resulting from apartheid among such crimes.

8. The *1907 Hague Convention on Laws and Customs of War and the Geneva Conventions on the Protection of the Victims of War (1949) and the Additional Protocols to Them (1977)* which are now applicable to participants in armed struggles against colonialism, foreign occupation, and racist regimes.

The aggregate of these and other acts of international law leaves the racist regime and its accomplices no legal grounds to portray the actions of the national liberation movements as acts of international terrorism. On the contrary, it is those who continue to practise colonial slavery, genocide and apartheid declared unlawful, terroristic, and criminal under international law, who are employing armed force for the commission of the most monstrous violence.

THE LAW MUST BE CARRIED INTO EFFECT

Laws are forceful not only because they are enacted. Laws live, operate, and exercise their influence on the behaviour of people and the course of events by being carried into effect. To abide by the law means to overcome all complications and obstacles and see to it that the behaviour of individuals, organisations and states should conform fully with the rules established by the law. One way of securing this is to apply measures of compulsion to the offender against international law for the commission of international crimes, that is, to apply sanctions. Their application may pursue a twofold purpose—preventive,

since the threat of sanctions should discourage the commission of any criminal action, and positive, since a sanction imposed after the commission of the offense must restore the broken law and make the offender suffer unfavourable consequences for his act.

Execution of what the law requires is probably the most difficult element in international law. Application of the law to the racist regime in South Africa is no exception.

Summing up, we could say that in the light of the present-day international law, the racist regime in the Republic of South Africa is at the very least a thrice criminal regime. On the strength of the facts and the law it should bear responsibility for the gravest crime, that of aggression, for the crime of apartheid, and for the crime of colonialism. These are substantial crimes, and all those who planned, organised, executed and participated in their commission should be accountable for them in tangible terms.

The racist state, the chief culprit of the crimes in southern Africa, should be held responsible first of all. Warrants of law should be applied to it as to an aggressor state, a colonialist state, a racist state. On these grounds, the International Commission of Inquiry has called on the UN Security Council to apply against the RSA measures provided for in Art. 41 of the UN Charter, that is, to break off economic relations, to cut communications by rail, sea, and air, telegraph, radio, and so on, and also diplomatic relations, with the Republic of South Africa. These recommendations, it may be recalled, were also made in the past by the public in many countries. But now sanctions have become more urgent than ever.

As a result of resolute action by the socialist and developing countries, and also by international democratic organisations, as well as under the impact of world opinion, political sanctions have already been applied to the racist regime. The Republic of South Africa has been expelled from a number of UN specialised agencies and other bodies: the International Labour Organisation, the World Health Organisation, the UN Economic Commission for Africa, the UN Educational, Scientific and Cultural Organisation, the Food and Agriculture Organisation, and others.

Expulsion of the RSA from the United Nations would have

painful effects for the racist regime. This would morally and juridically register the fact that it has no place in the community of nations, and would entail far-reaching political, economic and other consequences for Pretoria's aggressively racist and colonial policies, and for its persistence in pursuing them.

The Yalta and Berlin conferences, held respectively during and on the heels of World War II, established in their resolutions that Germany must compensate to the greatest possible extent the "damage and suffering" it inflicted on the United Nations. Taking guidance in these resolutions, the International Commission of Inquiry has demanded that the RSA should in full compensate the People's Republic of Angola for the damage inflicted on it by the regime's acts of aggression. The damage is estimated at the enormous sum of more than 10,000 million dollars. In settling the bill the racist regime may not confine itself to some symbolic payment, because the principle of "partial" liability does not exist in international law. This was reaffirmed in Protocol I of 1977 Additional to the 1949 Geneva Conventions. In accordance with that Protocol, the aggressor state must compensate for damages inflicted by all actions committed by persons belonging to its armed forces. Present-day international law rejects the war indemnities that it once was the victor's right to demand from the loser in recompense for its military expenditures. Reparations are not a right claimable by the victor, but a responsibility payable for the commission of the international crime of aggression.

All over the world a campaign is picking up pace for comprehensive and mandatory economic sanctions against the racist regime. This means, among other things, that all direct and indirect investments in the RSA economy should be stopped, that earlier investments should be withdrawn, and that all trade with it should be broken off. That would effectively compel the RSA to behave itself and to end the disgrace of apartheid once and for all. But being aware that the withdrawal and cessation of investments may not only undermine but also destroy the structure of apartheid, the imperialist powers are doing everything they can to prevent the comprehensive and mandatory economic sanctions from being applied.

The Reagan administration has refused out of hand to withdraw US investments from the RSA economy, to halt commerce

and stop collaboration with the apartheid state in the military and atomic fields. It came out against proposals for coordinated sanctions by the international community. Instead, President Reagan announced in the autumn of 1985 that the United States would impose limited sanctions. These curtailed moves, we might recall, boiled down to cutting off imports of gold coins, the Krugerrands, suspending some credits and deliveries of some types of electronic technology.

This manoeuvre has deceived no one. The administration, indeed, failed to block the adoption by US Congress of resolutions restricting trade with and investments in the RSA. On the heels of the House of Representatives, this resolution was also adopted by the Senate. The President's veto was overruled.

Still, the President's move has, in effect, helped the racist regime stick to its policy of aggression against independent countries in southern Africa, and to keep the people of Namibia and the African majority in South Africa in a state of colonial slavery. In other words, the White House has merely attached the label of "sanctions" to its former "constructive engagement" with the apartheid regime.

The world conference on sanctions against South Africa held in June 1986 in Paris under UN auspices and attended by thirty countries, and the world conference held in July 1986 in Vienna (also under UN auspices) on the immediate granting of independence to Namibia, and other international forums called for comprehensive and effective sanctions against the racist regime: to cut off all political, economic, diplomatic, military, cultural and sports relations with that regime and to refuse South Africa financial aid, while withdrawing foreign investments from its economy. And again, the Reagan administration refused to heed the call of the community of nations.

On June 24, 1986, President Reagan delivered a special address in the White House that was advertised in advance as highly important and determining new US approaches to the RSA. The only new element, however, was that in the President's 20-minute diatribe he did not use the term "constructive engagement" a single time. Later he said: "In southern Africa our national ideals and strategic interests come together." He insisted that US Congress and the West European leaders should "resist the emotional clamor for punitive sanctions". In short,

Washington gave to understand that it would chart its course in southern Africa to suit the same old egoistic imperialist advantages and contempt for human rights.

Washington's example was followed by the other chief donors of the apartheid regime. The West European countries, too, and not at all surprisingly, passed off measures of little significance as sanctions.

As far back as 1962, when the break-up of the colonial empires in Africa had only just begun, notorious US Senator Barry M. Goldwater wrote in his book, *Why Not Victory? A Fresh Look at American Foreign Policy*, that "justice is a worthy objective but if justice for Bantus entails driving the government of the Union of South Africa away from the West, then the Bantus must be prepared to carry their identification cards yet a while longer".

And isn't the same motivation behind the imperialists' policy of boycotting sanctions today? The only difference is that today neither Washington nor London can so openly and cynically promote egoistic interests. That is why they explain away their policy by such spurious motives as not wanting to impose economic sanctions because they could hit the living standard of Africans.

What touching and tender concern! But the Africans want none of it. They think differently.

Speaking on May 30, 1985, in Paris at the Human Rights and Freedoms Forum, Nobel Peace Prize winner Bishop Desmond Tutu admitted that sanctions would no doubt affect the African community, but called for them all the same because the most important thing was to change the situation. In April 1986, he again called on the international community to apply sanctions in order "to help establish a new South Africa, non-racial, democratic, participatory and just".

Being fully aware that even lean freedom is better than plump slavery, the broad mass of Africans adheres to this very view. They are prepared to sacrifice in order to put an end to racism. Small wonder that 73 per cent of questioned Africans told *The Sunday Times* of London in September 1985 that the Western countries would do well to apply economic sanctions against the RSA. They were aware that for them, now doomed to slavery, sanctions would mean earlier liberation. And for them, the

earlier the better. As Oliver Tambo, ANC President, said, those who claimed sanctions would hit Africans, did so insincerely, because they were raking in profits from trading with South Africa and their resistance to sanctions was above all prompted by greed.

What Oliver Tambo said is the pure truth. The West's egoistic interests take the upper hand over law and order. But the movement in favour of sanctions is gaining pace. Along with the independent states of Africa, comprehensive mandatory sanctions are advocated resolutely by the Soviet Union and the other countries of the socialist community, by the non-aligned movement, and the movement of international solidarity, by all those who are devoted to peace and to the sovereign rights and freedoms of the peoples.

The front line states, too, including those which the Republic of South Africa is at present literally ruining economically, are not opposed to sanctions, because they know sanctions are the only means that can weaken and tear down racist power.

The *Herald*, a paper appearing in Zimbabwe, wrote on April 17, 1986, that imposing comprehensive mandatory economic, diplomatic and political sanctions is the least the world could do to relieve the international community of the disgraceful scourge of apartheid. And the paper amplified that if a socialist government consisting of blacks had been in power in Pretoria, Washington and London would not have hesitated to apply sanctions, whereas in the face of defenceless Africans, victims of apartheid, Pretoria, London and Washington are carrying on with a policy that constitutes an undisguised challenge to world opinion.

Progressives in the United States are also calling for sanctions against the racist regime. Speaking over TV in the CBS *Facing the Nation* programme, Congressman Bill Gray said on August 19, 1985, that Washington was applying all sorts of sanctions to exert pressure against fifteen countries. The US President has urged Americans, Gray said, to come out in defence of the "oppressed" in Poland and against "injustice" in the Soviet Union. But not once, he added, did the President pronounce the name of Nelson Mandela, who is languishing in the dungeons of South Africa, or call for solidarity with the struggle of the South Afri-

can people against the most repressive and inhuman regime in the world.

To make the United States and those Western states that follow in its wake impose comprehensive political and economic sanctions against the Republic of South Africa is, in fact, as we see, a most urgent and vital task facing the international solidarity movement in its drive to end apartheid.

Execution of the law means that its warrants should also be applied against accomplices. The principles and grounds for responsibility for aiding and abetting are well known. The Charter of the International Military Tribunal in Nuremberg states that not only the immediate culprits, but also the "instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes* are responsible for all acts performed by any person in execution of such plan".

The draft articles on responsibility of states drawn up by the UN International Law Commission say aid or assistance by a state or states to another state, if it is established that it is rendered for the commission of an internationally wrongful act, itself constitutes a wrongful act.

The names of the main accomplices are well known. They are listed in the Conclusions of the International Commission of

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* Among the "foregoing crimes", Art. 6 of the Charter of the International Military Tribunal in Nuremberg lists:

(a) Crimes against peace: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

(b) War crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

(c) Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other unhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Inquiry, and, for that matter, in many other documents, both of non-governmental bodies and of the international community of states.

The leading accomplices are the governments of the USA, Britain, the FRG, France, Israel, and Canada. Those are the governments that have by their opposition to proclaiming the Pretoria regime an aggressor encouraged it to commit aggressions and also made possible the acts of aggression. Those are the governments that defied the UN ban on assisting the racist regime in building up a military economy, and developing nuclear weapons and conventional arms used by the racist police and army to suppress the will for freedom of South Africa's black citizens or to cross the borders of peaceful states with the purpose of killing, plundering, and destroying. Those are the governments, too, whose aid and assistance are enabling the criminal regime to survive. It is more than clear that without this sinister and unlawful activity on their part, southern Africa could not have been exposed for so long a time to torment and violence, to the horrors of bloody wars and provocations.

Certainly, none of the listed governments are likely to agree that their role and actions are qualifiable as those of accomplices in the international crimes of the racist regime. They will probably maintain that they did not want the Pretoria regime to acquire nuclear arms and that their purpose was to aid it in the peaceful uses of the atom. They will likewise maintain that they encouraged investment in the RSA economy in the interests of mutually beneficial cooperation, and that it was not plunder on the part of the transnational companies to ship out the natural wealth of Namibia but a token of free private enterprise, and so on. But that must not mislead anyone.

Often enough, in courts of law in various countries, members of a gang in the dock refuse to agree to the charges against them, saying, "I did not kill, I only advised and shelled out the money for a pistol, but I was not the one who killed." But what court will pronounce a defendant not guilty just because he did not execute the actual crime and only organised, armed and protected the killer? So, can the accomplices of the racist regime's crimes consider themselves not guilty because it fell to the lot of their accomplice, the Pretoria regime, to execute the crimes, while they only raked in the gains? It follows that the

international public has every right to demand that the law be applied to every single accomplice. And it is high time to do so.

Still, it would be wrong to apply sanctions to the racist state and its accomplices alone. Just and severe punishment must be meted out to those who stand at the helm of the racist state. "The common sense of mankind demands," said Robert H. Jackson, Chief Prosecutor for the USA at the International Military Tribunal in Nuremberg, "that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave no home in the world untouched."

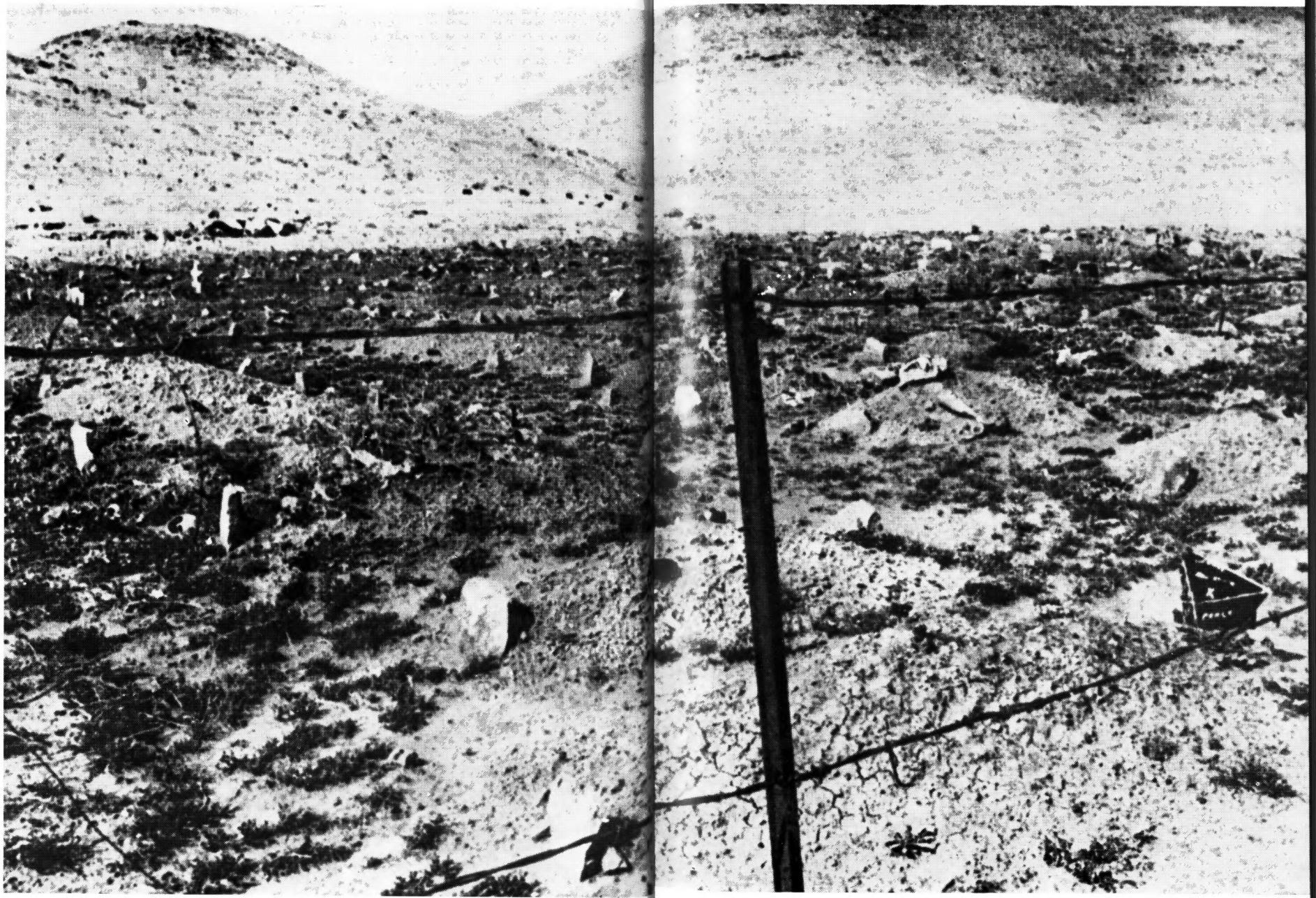
Certainly, the leaders of South Africa, such as President Pieter Botha or the Minister of Law and Order Louis le Grange, or the former administrators-general of Namibia, Danie Hough and Willie van Niekerk, did not have to go into the streets to shoot down the demonstration in Soweto, to kill hundreds of people in Cassinga or apply live electric wires to various parts of the body of the prisoners in Timola Tower. This was done for them by subordinates charged with what may be described as the dirty work, while the leaders issued orders to be unquestioningly executed. All the same, however, they and their subordinates are a single criminal whole, and cannot be separated from each other. Not only the executioners but also their superiors are responsible for each of the crimes. This principle is entrenched in the Charter and Judgement of the International Military Tribunal in Nuremberg, and has been reaffirmed by the UN General Assembly.

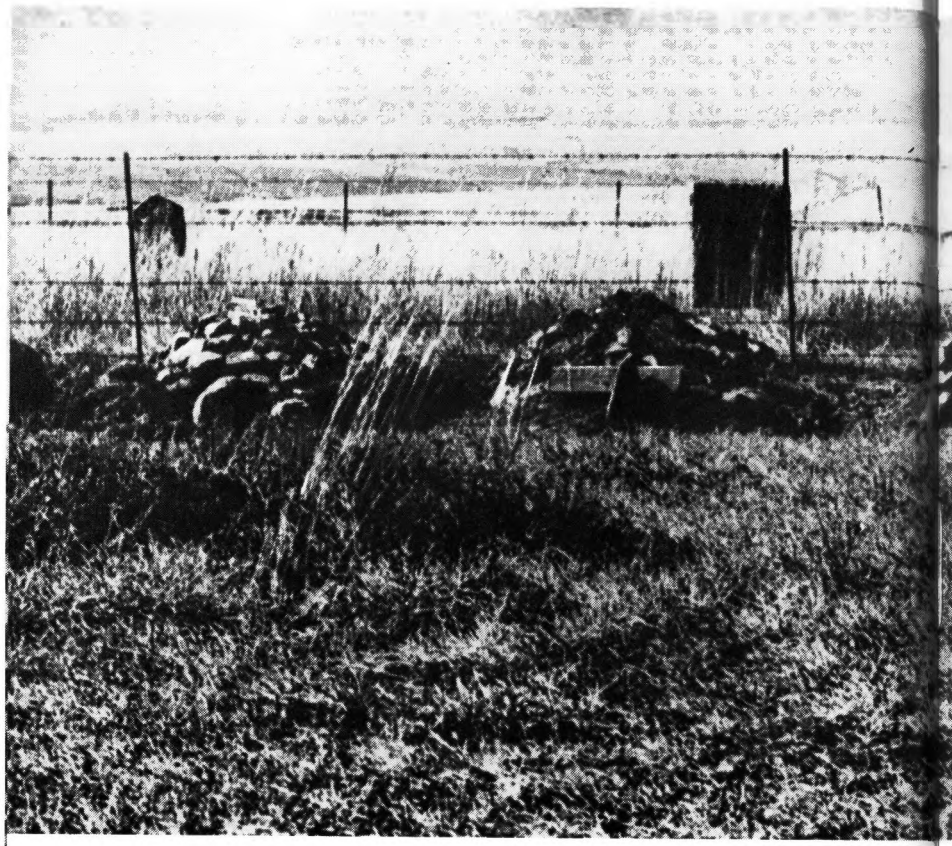
"The official position of defendants, whether as Heads of State or responsible officials in government departments," says Art. 7 of the Charter of the International Military Tribunal, "shall not be considered as freeing them from the responsibility or mitigating punishment." And the Judgement of the same Tribunal says: "The principle of international law, which under certain circumstances, protects the representatives of a state, cannot be applied to acts which are condemned as criminal by international law." And it amplifies: "Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced."

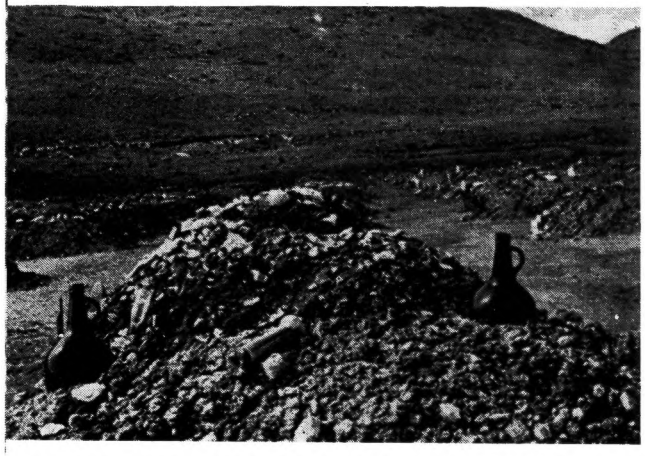
Bantustans are the product of the policy of separate development

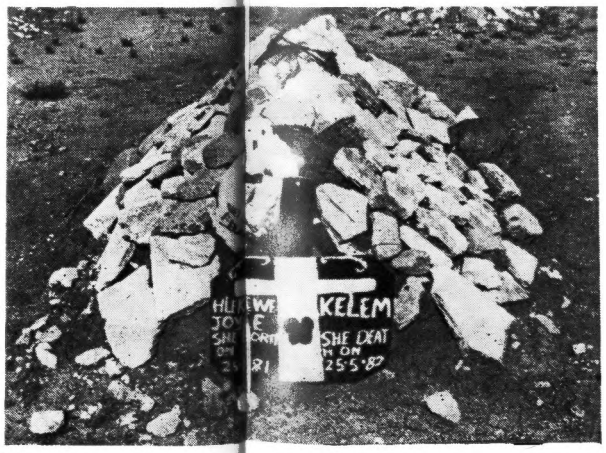
More than half the Africans in South Africa live in a rocky desert

A place where Africans from white South Africa, the fertile land of their ancestors, are resettled









Nameless graves of resettlers arise before shanties go up

Africans deprived of a roof over their heads wait to be resettled in a bantustan

Potable water once a day—the grim lot of those resettled in bantustans

The principle of the individual responsibility of natural persons for crimes against humanity has been elaborated upon and made more specific in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, and the Convention on the Suppression and Punishment of the Crime of Apartheid of 1973.

A special group of experts formed by the Human Rights Commission of the UN in accordance with Resolution 2(XXIII) of the UN General Assembly, studied the question of apartheid in the light of international law, and stated in its findings that the crime of genocide in South Africa, Southern Rhodesia and Namibia was being committed by the heads of state, members of various government cabinets, government officials, official agents and all other persons responsible for the pursuit of the policy of apartheid. This statement was confirmed by the findings of the International Commission of Inquiry at its session in Luanda in 1981.

It follows that the public is quite right to demand that the chiefs of the racist regime should be brought to trial. It was they, after all, who invented the theory of "separate development" and who carried it into practice through legislative and physical force, subjecting the non-white population of South Africa to still greater humiliation, poverty and lack of rights than ever before. It was they, too, who employed the country's social energy and resources to create a terroristic military machine that has no equal on the African continent. It was they who launched successive aggressive wars against Angola and other neighbouring countries. And to enrich themselves they, and they alone, organised the occupation of Namibia, and granted the imperialist powers an opportunity to plunder its riches. The common sense of mankind demands, therefore, that they should suffer punishment in accordance with criminal law.

That is the way to enhance the authority of law in international relations and within national borders; that is the way, too, to let the future generations know that law is not on the side of those who possess greater might, and that the conduct of aggressive wars and the maintenance of peoples in racist colonial dependence is not only a dangerous but a criminally punishable act.

Neither can the direct executors of the orders and will of the racist leaders escape punishment. In 1976, in the tense silence that reigned in the Palace of the People in Luanda there resounded the severe sentences passed on mercenaries by the revolutionary tribunal of the People's Republic of Angola:

"Defendant Costas Georgiou (alias "Colonel" Callan)—death by firing squad... Defendant McKenzie—death by firing squad... Defendant Barker—death by firing squad... Defendant Daniel Francis Gearhart—death by firing squad..."

Thus, justice was done to those who committed the crimes of colonialism and racism in Angola (the other nine accomplices of "Colonel" Callan were sentenced to prison terms of 16 to 30 years).

What were the mercenaries tried for? First of all, for war crimes and crimes against humanity. "Colonel" Callan (Costas Georgiou), 25, former paratrooper in the British Army, who gained notoriety specifically in Angola, used to place grenades in the mouths of prisoners with his own hands, and then detonate them. Out of the 138 charges levelled against the thirteen mercenaries at the Luanda trial (1976), "Colonel" Callan was accused of 18. And the penalties inflicted on him and his mates were just and fair. It sounded a serious warning to the whole vast army of those committing racist crimes. Some, such as former mercenaries José Ricardo Belmundo and Trevor Edwards, whose testimony was heard by the Commission of Inquiry, drew the proper conclusions and refused to continue serving as tools of bloody crimes. In the material of the Commission of Inquiry there is other evidence that the movement to refuse serving the apartheid regime is slowly but surely gathering momentum in South Africa.

But all too many are still serving the racist regime, having either been bought by it or corrupted by the idea of their "exclusiveness". Many think "orders are orders". But a crime is no less of a crime for being committed in carrying out orders.

The concept of acquittal on grounds of obeying orders exists in all national codes of law, but it is a restricted concept and does not apply to the execution of clearly criminal orders. No code of law will exonerate the perpetrator of torture, killing, plunder or other crimes on the excuse of his having obeyed orders.

International law accepts this principle of law and justice in its entirety. As far back as 1919, the report of the Commission on the Responsibility and Penalties of the Authors of the War (World War I.—*M. V.*) said that neither civilian nor military authorities would be relieved of responsibility by the mere fact that their superior authority may be condemned for the commission of the same crime. This approach has been elaborated upon and entrenched in Art. 8 of the Charter of the International Military Tribunal in Nuremberg, which says: "The fact that the defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires."

This standard is valid. It follows that all wrongful acts committed in connection with the racist and apartheid regime and the terrorism and war it has started, are a crime and cannot be justified by the order of any superior. The true criterion is not that an order existed, but whether or not a moral choice had been possible. Any other ruling would have been unacceptable, for it would stand for the impotence of law and for the impunity of criminals.

Those who commit racist crimes should also know that statutory limitations are not applicable to them. The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity lists among these "inhuman acts resulting from the policy of apartheid, and the crime of genocide". And this "whether committed in time of war or in time of peace". Consequently, the crimes of racists cannot be consigned to oblivion.

Western jurists argue at times that the racist clique in South Africa had not signed the Convention on the Suppression and Punishment of the Crime of Apartheid, and is therefore not liable. But that is ludicrous. The legal validity of the Convention does not depend on whether or not it was signed by the Republic of South Africa. Its principles are universally recognised. In substance, it only elaborates upon the basic provisions of the Convention on the Elimination of All Forms of Racial Discrimination with reference to apartheid. And Art. 3 of that Convention requires all states to outlaw and root out apartheid in territories under their jurisdiction.

And this other point. The convention on genocide and that on apartheid rule that persons who commit these crimes are to be tried by the national courts of the state on the territory of which they performed their criminal acts.

The racist clique in Pretoria, which organises and encourages the commission of crimes, has at no time put on trial any of the executors of its policy. And it is hardly possible to even hope that it will ever agree to doing so.

At the end of the 1970s, for example, the whole world was shocked by news of the death of Steve Biko, the thirty-year-old leader of the student movement against apartheid in South Africa. The public has learned reliably that after being arrested for breaking the pass laws, the police took him, handcuffed and in leg-irons, to a large building in Port Elizabeth. There, he was chained to a grille and subjected to 24 hours of interrogation, during which he received blows to the head that fatally damaged the brain. Thereupon, he was driven naked and in a coma over 1,000 kilometres to a prison in Pretoria, where he died a few days later without regaining consciousness.

How did the racist authorities react to the protests that rang out across the world? The then Minister of Justice, James Kruger, addressing a Nationalist Party conference, remarked on Biko's death: "It leaves me cold. . . I shall also be sorry if I die." His utterance was greeted with laughter.

Is it surprising, therefore, that the notorious hangman and killer Arthur Cronright and many other South African executioners whose names the racist rulers know very well have not been put in the dock? In 1980, acting on plentiful evidence, on testimony supplied by former prisoners of the racist regime, and on press reports, the UN drew up a list of those involved in apartheid crimes. As member of the International Commission of Inquiry I have had occasion to see that list. The names of the victims in the right column, and the names of their torturers in the left. Thirty-eight in the right, 144 in the left. Nearly four torturers and killers per victim. Yet not a single one has been called to account. It is as though the international convention saying that those guilty of apartheid crimes are subject to prosecution does not apply as far as the chiefs of the racist Pretoria regime are concerned.

When white trade union leader Neil Aggett died at the hands

of the police, the latter declared that he had been found hanging in his cell. Yet a prisoner who had later been released, gave written evidence that he had seen Aggett being beaten to death. It came to light, too, that before his death Aggett wrote a statement that he had been tortured. Other evidence was discovered. But the authorities hushed up the case.

In the spring of 1985, another trade unionist, Andries Raditsela, leader of the Chemical Workers' Union and the Federation of South African Trade Unions, was reported dead under similar circumstances. He had been seized and put behind bars on the standard charges of prejudicing internal security. A few hours after he had been released "for lack of evidence", he died in hospital from injuries to the brain. According to his family, Andries was in good health when he was arrested. The trade union initiated its own investigation and established that he had been tortured. But all the papers, including the depositions of witnesses, were confiscated by the police in a raid on the offices of the FOSATU lawyer. Soon, the police announced that an "accident" had occurred, and closed the case.

As I have said, the despairing African population has gone into the streets protesting, and ever since September 1984 the racist clique has been waging an open war against its citizens. Not just the police and special branch, but also the army has been engaged in the African ghettos. They have been killing their black countrymen for more than two years just for refusing to be slaves of white masters. The number of killed has topped 1,300. The living barely manage to bury the dead. Yet the culprits are shielded by their higher-ups. In February 1986, the deputy of the Law and Order Minister said in parliament that in 1985 and the first two months of 1986 the police had investigated 493 complaints of police violence and abuse, and found the accused guilty in just one case (sic!).

According to a new regulation issued by President Botha in November 1985, "guardians of the law" are relieved of legal responsibility for anything they do when dispersing anti-racist demonstrations or interrogating prisoners.

In those cases where the regime does initiate action against over-zealous police agents, this is done more as a blind. In November 1981, for example, a group of mercenaries had penetrated into the Seychelles and tried to overthrow the government

there. They were repulsed, and some of them escaped to South Africa. There was a worldwide public outcry. People wanted them to be severely punished. The Seychelles government offered the RSA judiciary indisputable proofs and clues against the mercenaries. But Pretoria had its own methods of meting out justice. The RSA court sentenced all forty-two mercenaries to five years' imprisonment. Justice seemed to have triumphed. But no sooner sentence was passed than the imprisonment was reduced to six months. In fact, the mercenaries spent a mere four months behind bars. They were released for what the South African authorities described as "exemplary behaviour". Their chief, Michael Hoare, alone remained a little longer behind bars.

And that could not have been otherwise. Criminal in essence, the apartheid regime is criminal in particular cases as well. It cannot be expected to be just. In cases in which the state fails to live up to the requirements of international law through the national judiciary, other states parties to the Convention may arrive at the conclusion that an international tribunal should be set up to try specific persons charged with the commission of the crimes of apartheid.

Yes, the public at large is entitled to demand, and should demand, that such a tribunal be formed.

Indeed, the institution of an international public tribunal may help expose the organisers and executors of the crimes of apartheid in southern Africa. The trial of racist Verwoerd in the early 1960s by such a tribunal at which all the facts were carefully examined and the committed wrongdoing rigidly qualified, and where all the rights to defence were faithfully observed and publicity was fully guaranteed, has left a deep trace in the minds of decent people. It helped people all over the world to see that racism and apartheid are not a mere departure from the standards of law, but the grossest of offenses, and that the dismantling of the Pretoria regime would be an act of supreme justice and unconditional adherence to law.

6 Chapter

PROOFS OF THE CRIMES COMMITTED BY THE RACIST REGIME OF APARTHEID

(Based on the Findings of the International Commission of Inquiry)

In session from January 30 to February 3, 1981, the International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa examined evidence concerning crimes against the People's Republic of Angola, the people of Namibia, and the African people of South Africa.

Acting on Art. 19 of the Charter of the International Military Tribunal in Nuremberg, the Commission allowed the submission of any evidence which in its opinion had the force of proof. In a few cases, acting on Art. 20 of the Charter of the Nuremberg Tribunal, the Commission required information about the nature of the evidence before it was submitted in order to determine if it was relevant. As provided for in Art. 21 of the Charter of the Nuremberg Tribunal, the Commission accepted as proven all governmental documents, and also the documents of committees formed in various countries to inquire into the crimes of the racist regime and of apartheid, but had them assessed in accordance with the rules of judicial procedure.

Below are some abridged accounts, reports, and depositions of witnesses submitted to the Commission by the Angolan government, SWAPO, ANC, and other organisations. All of them have been placed in archives. But they are certainly not mere archive material. Today, too, they are a sharp and incisive instrument in the fight against the crimes of the Pretoria regime. The documents are presented here in the order in which they were examined by the Commission.

EVIDENCE SUBMITTED BY THE PEOPLE'S REPUBLIC OF ANGOLA TO THE COMMISSION OF INQUIRY INTO THE CRIMES OF THE RACIST AND APARTHEID REGIME IN SOUTHERN AFRICA

(January 30 to February 3, 1981)

From the Speech of Henrique de Carvalho dos Santos, Central Committee Secretary for Legal Studies of the MPLA—Party of Labour

The reports, depositions given under oath, documents and exhibits, as well as visits to places hit by attacks—all that doubtlessly merits the closest attention. And on the strength of all this

you will express your demanding and objective judgement. Living evidence is also provided by the peaceful and hospitable behaviour of our working people, engaged in the hard tasks of national reconstruction.

Centuries of resistance to colonial exploitation and oppression, a long armed struggle against colonialism and, once that was defeated, a no less harsh anti-imperialist war of liberation, brought our people independence.

The prospect of the emergence in this region of Africa of an independent sovereign state free from racial prejudices and discrimination, and from any other forms of oppression and exploitation of man by man, shocked the racist South African regime, which did everything it could to prevent this state from coming about.

The hostility of the South African regime towards the People's Republic of Angola increased still more from the moment when it became clear that it was our purpose to build socialism.

The enumeration of South Africa's acts of aggression against our country is certainly staggering. In the past three years alone, our territorial inviolability, our sovereignty, and our people's right to live in peace, were violated by about 1,400 reconnaissance flights, 290 air raids and bombings, 50 hit-and-run atacks by copter-borne troops, and 70 overland incursions of South African troops. We have mourned the resultant death of more than 1,800 people, while some 3,000 were wounded. In most cases, the casualties were defenceless civilians. The destruction of schools, hospitals, public services, vehicles, bridges, roads, fields and peasant dwellings, which are the preferred targets of the aggressors—all this has caused enormous material losses. Since 1975, the damage inflicted on our country has surpassed the sum of 7 billion dollars!

It hurts us to think of these terrible human losses and the loss in property, and of what could have been spent for education and health, for raising the living standard and for progress, if there had not been that loss of life and property.

We have been made to pay this heavy price for our uncompromising defence of our national independence and our firm socialist, anti-imperialist option.

Our militant solidarity with the people of Namibia and our unconditional, concrete support of SWAPO, their sole lawful

representative, is for the People's Republic of Angola a question of principle, a question we regard as a categorical imperative on the political and moral level.

The People's Republic of Angola has spared no effort, as acknowledged several times by the United Nations and its Secretary-General, to contribute to a just, internationally acceptable solution of the question of Namibia in the framework of the United Nations plan.

We are aware, distinguished members of the International Commission, that you intend to collect facts testifying to the acts of aggression committed by South Africa, and to evaluate and qualify them in the light of international law, to demonstrate their criminal nature.

We do not wish to anticipate your conclusions, but are certain that in addition to the facts you already have, you will collect here more evidence of the fascist South African regime's crimes against peace and humanity, crimes of genocide and apartheid, the crime of employing mercenaries, and above all evidence of the gravest crime of all against world peace, that of conducting wars of aggression.

To be sure, South Africa has invariably displayed indifference to international law and the many legal condemnations of its actions. Unfortunately, international law so far lacks means for applying adequate and effective sanctions capable of compelling states to abide by its provisions.

In the case of South Africa, this is aggravated by the policy of the Western powers, which continue overtly and covertly to give extensive support to, and to collaborate with, the racist regime.

The International Commission is not a tribunal and will not, therefore, pass down prison sentences or apply any other sanctions to punish those guilty of committing crimes. But at any rate, the Commission's verdict will carry enormous political and moral weight as that of a true public court of honour.

As far as law is concerned, and in the hope that the criminal regime will finally be forced to bend before the will of history, we are certainly not giving up. The Nazi criminals, too, had sown terror and death with impunity for many years, but ended up in the dock at Nuremberg.

The people shall win in the end!

History's judgement will triumph over barbarity!
The struggle continues! Victory is certain!

A Brief Recapitulation of South Africa's Acts of Aggression Against Angola until June 1979

South Africa's policy, marked by hostility towards the territorial integrity and sovereignty of the People's Republic of Angola, expressed in acts of armed aggression, is evidence of a deep-rooted attitude reminiscent of the colonial era.

Before the Angolan people won their independence in a long and heroic struggle against Portuguese colonialism, the racist South African regime had maintained close ties with the colonial regime, and had made vain attempts to hold down the struggle for liberation and perpetuate the exploitation of the country's economic resources.

In 1975, South Africa openly assumed the role of champion of capitalist interests. In flagrant violation of international law and creating a threat to world peace and security, its army invaded Angolan territory with the aim of putting a puppet government in power.

The occupation lasted until March 27, 1976, when the South African forces were compelled to withdraw. From June 1976 on, the racist regime resumed its acts of aggression against the people of Angola. And they continue until now.

Large areas of the country have been hit, especially the provinces Kuando-Kubango, Cunene, Moçamedes and Huila. Their population totals some 1,050,000, not counting many thousands of refugees from Namibia who had left their homes owing to the unlawful occupation of their country by South Africa. The total area of the provinces mentioned approaches 401,400 sq kilometres.

These provinces are of great economic importance (especially as regards crop and animal farming, industry, and fishery). They grow maize, sorghum and millet, which, along with milk, are the staple food of the local people. They are also the main producers of animal products, mainly beef and pork, and also milk. Local industries process farm produce. There are also iron ore mines in Cassinga, but production has been suspended owing to the instability created by the ceaseless acts of aggression. The

coastal waters in Moçamedes province are rich in fish, and the most important occupation of its people is fishery and the processing of fish.

South African armed forces are exerting constant pressure on the border areas of Angola. They cross the frontier, raid targets in Angolan territory from the air, copter-borne commandos land in Angolan territory, border incidents are practically continuous, motor-borne infantry make incursions into Angolan territory, there are artillery bombardments, fields are mined, so are roads and bridges, and means of production and other resources are plundered or destroyed.

In addition to these military acts, there have been attacks on hamlets and villages in coordination with the UNITA puppets' bands. The latter are trained and equipped in military camps in Namibia. South African troops provide transportation and equipment for them in Angolan territory, and give them air cover.

Between March 27, 1976 and June 11, 1979, the South African racist forces were responsible for 193 mine-laying operations, 21 border incidents, seven air bombings, and one large-scale combined ground and air incursion.

Below is a list of the larger and more devastating South African attacks:

February 8, 1977, attack on Dombondola and Naulila (Cunene province);

February 26, 1978, attack on Boma village (Moxico province);

May 4, 1978, attack on Cassinga (Huila province);

December 5, 1978, attack on Cuamato (Cunene province);

March 14, 1979, attack on a refugee camp in Catengue (Benguela province);

March 14, 1979, attack on Cahama village (Cunene province);

March 29, 1979, attack in the border zone near Frontier Post 12 (Cunene province);

April 12, 1979, attack on Ombala-Ya-Mungo community (Cuamato);

June 11, 1979, attack on Humbe township (Cunene province).

The casualties in this period (from March 27, 1976 to June

11, 1979) totalled 570 dead and 594 wounded Angolans, most of them peasants. The following casualties were registered among refugees living in Angola: 3 killed and 8 wounded refugees from South Africa, 198 killed and 600 wounded refugees from South Rhodesia, and 612 killed and 611 wounded refugees from Namibia.

A detailed and thoroughly documented enumeration of all South African acts of aggression against the People's Republic of Angola, and the damage inflicted, is contained in a report that Angola submitted to the UN on July 25, 1979 (Document S/13474).*

South African Attacks on Angola from June 1979 to December 1980

Here is a general description of the attacks committed between June 11, 1979 and December 31, 1980 by South African armed forces, numbering 13 major incursions into the People's Republic of Angola:

—air bombing of Lubango (Huila province);

—air bombing of Xangongo (Cunene province);

—copter-borne commando raid on the Naulila area (Cunene province);

—attack on Savate village (Kuando-Kubango province);

—air bombing of Humbe (Cunene province);

—occupation of Xiede area (Cunene province);

—attack on and occupation of Mavinga (Kuando-Kubango province);

—invasion of Cunene province in June 1980 (Operation Smokeshell).

This list does not include countless reconnaissance flights and minor commando raids.

A DETAILED DESCRIPTION OF THE AGGRESSIONS

Here is a description of the more conspicuous South African actions. The chronological list, however, refers to acts of some military importance only, leaving out the ceaseless violations of

* Not published in this book.

Angolan air space (not less than 925) and some of the overland actions (81 artillery bombardments and 33 copter-borne commando raids).

Air Bombing of Lubango

On September 26, 1979, at 10.30 hours, four S.A. Mirage III and one Buccaneer aircraft bombed and fired missiles on the Madeiras de Huila furniture factory and an Angolan army warehouse. Twenty-six people died, 41 were seriously wounded and 34 sustained slight injuries, while the factory was practically razed to the ground. Damage was also caused to other civilian installations.

Air Bombing of Xangongo

On September 26, 1979, at 11.30 hours four S.A. Impalas and two Mirage III aircraft bombed the village, the casualties numbering 30 dead and 100 wounded. All civilians. A primary school was demolished and a food store damaged.

Copter-Borne Commando Raid on the Leba Area

On October 28, 1979, at 16.00 hours, four Puma helicopters covered by Alouette III helicopters carried out a series of actions between Lubango and Moçamedes. They blew up 15 metres of railway track and mined another 20 metres, damaged a railway tunnel in the Leba hills, blew up various points along the railway line between Lubango and Kuvango, and strafed civilians and vehicles. Twenty civilians were killed, among them men, women, and children. Among them was a woman in her last week of pregnancy.

Overland and Copter-Borne Commando Raids in the Naulila Area

At dawn on November 24, 1979, aircraft and copter-borne troops, along with overland commandos launched a series of actions in the Naulila area, namely:

November 24, mining of the Xangongo-Naulila-Cuamato highway;

November 25, air bombing of Peu-Peu and Naulila, and an ODP (People's Defence Organisation) school 25 km off Xangongo; another air raid on Naulila; ground troops supported by artillery, aircraft, armoured vehicles and police dogs, attacked and captured Cuamato and Naulila;

November 27, air bombing of Mongua. Two Angolan servicemen and 38 civilians killed; 10 persons missing; 20 dwellings destroyed; one school demolished, various military equipment destroyed.

Overland Attacks on Calueque and Cuamato

After the above actions, South African armed forces advanced to Calueque on November 28 and 29, and overran Cuamato community. Twenty-five motor-cycles, 10 helicopters, and Ratel armoured vehicles took part in the operation.

Attack on Cuangar Township

On April 14, 1980, at 04.00 hours, South African forces, supported by artillery, a helicopter and a light aircraft, attacked an Angolan army position in Cuangar. The attack lasted five hours. Casualties: 6 soldiers dead and 30 more wounded. Some materiel was destroyed.

Air Bombing of Humbe Village

On April 28, 1980, at 19.10 hours, South African planes raided and bombed Humbe, causing 8 civilian deaths, with 24 more civilians wounded.

Air Bombing of Ndova, Humbe and Mujoma Villages

On May 3, 1980, South African aircraft bombed and strafed Ndova, Humbe and Mujoma, the casualties in Mujoma being 1 dead and 1 wounded, in Humbe 7 dead and 12 wounded, and in Ndova 12 wounded.

Attack on Xiede

On May 12, 1980, at 05.00 hours, copter-borne commandos in 8 Puma helicopters, supported by 6 Hunter bombers, bombed and occupied the administrative post of Xiede community 25 kilometres from the Namibian border. Casualties: 3 soldiers and 54 civilians dead, and 19 civilians wounded.

Attack on Savate

On May 21, 1980, at 06.00 hours, South African motorised infantry and aircraft attacked and occupied the Savate area. Engaged in the attack were 3 Alouette III helicopters, 1 Puma helicopter, 1 light aircraft, 11 Panhard AML-90 and Ratel armoured vehicles, and heavy artillery. Casualties could not be counted.

Operation Smokeshell

On June 10, 1980, South African forces with air support launched an invasion of the country's southern areas, mainly Cunene province. They thrust 140 kilometres into Angolan territory. Finally repulsed by Angolan forces, they retreated. Casualties: 378 civilians and 38 servicemen dead, and 32 servicemen wounded. Enemy losses were heavy. One Alouette helicopter was shot down, its pilot being killed in action.

Attack on Xitado

On August 28, 1980, copter-borne commandos attacked and occupied the administrative centre of Xitado community, causing 15 civilian deaths and wounding seven civilians. All dwellings in the village were demolished.

Occupation of Mavinga

On September 19, 1980, at 06.00 hours, S.A. troops, supported by heavy artillery and armoured vehicles, attacked and occupied the village of Mavinga. The casualties, though considerable, are unknown. The village was razed to the ground.

Extracts from the Deposition of Witness Antao

My name is Manuel Firmino Antao. I was born in 1943 in Humbe-Cuamato, Cunene province, People's Republic of Angola. I am a cabinet-maker by trade and work at the Madeiras da Huila furniture factory.

The factory consisted of two divisions, the northern and the southern. I was with the southern division.

On September 26, 1979, at about 11.45 hours I was at my work bench when I heard a blast and an instant later was blinded by the dust and smoke rising in the workshop. Construction was under way at the factory, and at first I thought some wall must have fallen. Since I could not see anything through the dust and smoke I took shelter in a nearby shack. Then I felt blood running down my face and discovered that I had been wounded in the eye. So I ran out of the shack and discovered that the walls of the workshop had all fallen, and the northern division of the factory was totally demolished. It housed a number of workshops and departments: a show room of finished furniture, various equipment, the polishing, painting and upholstering departments, and the personnel office.

I scrambled out of the debris and on leaving the factory saw one of the comrades, a man who was in charge of bread distribution, lying dead beneath the ruins of a wall. Then I saw many people trapped beneath the fallen walls. Soldiers of the Angolan army arrived soon and helped us drag people from under the ruins. Many were seriously injured, some were dead.

Other enterprises near our factory were also demolished or severely damaged: the Alvaro Vicente repair works, the Kangika mill, Saidi Mingas mill, the Sotrama and Morais Mil Fins furniture factories, the Sopapel factory, and the Empal (Ministry of Construction) factory.

Two of my mates were injured and taken to hospital. Along the road beside the factory we saw children injured by bomb fragments.

Extracts from the Deposition of Witness Vieira

My name is Fernando Mendes Vieira. I was born on December 13, 1931, at St Jose, Lubango province, People's Republic of

Angola. I am a furniture polisher by trade and am employed at the Huila furniture factory.

On September 26, 1979, I was at my work bench, finishing a piece of furniture, when I heard a very loud explosion. It was 11.45. Everything around me tumbled. I was stunned and tried in vain to push off the weight that was pinning me to the ground. I heard voices and began shouting for help. My strength was leaving me and I could barely resist the crushing weight. A few soldiers finally dragged me out from under the debris and took me at once to the Agostinho Neto Hospital. I could barely speak on account of the concussion. I spent 45 days at the hospital, and another month at home recuperating. My body is covered with scars.

When I recovered from my wounds I wanted to return to my factory, but it was totally demolished, and I was transferred to the Central Furniture Factory.

Extracts from the Confession of an English Mercenary

Trevor Edwards took part in covert operations of the South African army in the south of Angola, and in early 1981 escaped from the "operational combat zone" in the north of Namibia and southern Angola. His account was broadcast by ITV:

"I simply could not go on. It disgusted me to see what we were doing in Angola, and I decided to escape as far as possible from the place. What I am going to relate is the plain truth, though I know in advance that the South African government is going to deny it.

"My unit was activated in South Africa, all my mates were mercenaries and hardened killers. They operate inside Angola under the guise of 'internal Angolan terrorists'. But the officers all wear insignias of the South African army, and the wounded are taken out by helicopter to South Africa. Altogether the battalion has 1,200 men and officers, though it is hard to distinguish between privates and officers.

"Altogether, we killed 3,000 to 4,000 people. All of them were absolutely guiltless. We did not spare women, children, and old men. Our tactic was simple. First we surrounded a village, then opened fire from the gunships, then landed and killed all survivors, all those still moving.

"I saw a mercenary shoot three Africans just to see if his pistol was in working order. Once we killed a five-year-old girl, and then chased after her half-demented mother, until we finally caught and killed her. As a rule, we gutted the villages, made a pile of the corpses, and took photographs of ourselves beside the pile. Those whom we took prisoner were usually tortured a long time, and then killed."

Edwards testified that in the contracts signed by the mercenaries the other party was identified as the South African army. The first few weeks after signing the contract, the mercenaries stayed in a special camp in Namibia, where they were taught Portuguese.

The first operation in which Edwards participated took place on May 20, 1980 in the village of Savate, deep in Angolan territory.

Extracts from the Deposition of Former Mercenary Belmundo

My name is José Ricardo Belmundo. I was born on December 18, 1953, in Maquela do Zombo, the People's Republic of Angola. In 1961, my family fled to the Republic of Zaire. I went to school in Kinshasa, and in 1973 was taken with many other young men to a base in Kinkusu, where we were given military training. In 1974 and the following year, I took part in battles against the Angolan liberation army, first with the Portuguese puppet army, and later with the South African forces.

In January 1976, my army unit was posted in Namibia. In March, I was transferred to a unit building the military base that was later named Pica-Pau (Woodpecker). A South African named Hermann was in command. He was in charge of 150 S.A. servicemen—corporals, sergeants, instructors, and officers.

I received training in Oscar company under Lieutenant Sacki.

The company was part of 32nd Battalion, with headquarters in Runtu. The commander was Colonel Carpenter, the man who led the South African troops that invaded Angolan territory in 1975.

Before training began I was forced to sign a contract, whereby I acquired South African citizenship. In 1976, I was one of a group of 32 soldiers who were sent for a two-year commando training course in Pretoria and Durban.

When training was over in 1978, we led small units in actions in Cunene province. White officers controlled us. When the operations were over, we returned to Pretoria, where they promoted us to 2nd lieutenants.

In 1978 and the next year, we were in command of small units engaged in mopping-up operations, raids and in-depth reconnaissance in Angola as part of Reconnaissance Command 5 (Rec 5), which orders to destroy schools, hospitals, dwellings, and to kill civilians and slaughter cattle.

One of the operations left an especially deep impression. The man in charge was Lt.-Col. Ferreira, who was then commander of 32nd Battalion. The field command was in the hands of 1st Lieutenant Muller from the battalion's staff. We had 240 men, 60 armoured vehicles, an 81 mm mortar platoon, and three 140 mm guns. Air support was provided by Puma and Alouette helicopters and Impala MK2 tactical support planes. I don't know the names of the places where we operated, but I do remember their code names. The operation began in Golf plain, then moved on to Ngiva plain, where we attacked a SWAPO refugee camp and destroyed the dwellings and the cattle. We also attacked an Angolan army base. It was shelled and bombed. In the Omami plain we came under Angolan fire, and withdrew to Ieki plain, and finally to Ompapa plain. Here, jointly with 54th Paratroop Battalion we attacked a settlement, where we killed a lot of people. To give you an idea of how the South African went about things, I can tell you that I saw Sergeant Botha executing five old men single-handedly.

The 32nd Battalion operated against Angola's Cunene province.

At that time I was promoted to 1st lieutenant, and in December 1979 to captain. By then, however, I had made up my mind to leave the racist South African army. I crossed the border at Runtu in January 1980, and gave myself up to the Angolan authorities at Calai, Kuando-Kubango province.

Extracts from the Deposition of Witness Manguvo

My name is Mutenha Manguvo. I was born on May 28, 1955, in Pocoro, Cunene province, People's Republic of Angola. I was trained as carpenter and worked for the Ministry of Construction.

On November 25, 1979, I was in Naulila village, Cunene province, when it was attacked by a copter-borne South African commando at 06.00 hours. The villagers fled, while the local army unit took on the enemy. I had climbed into a lorry, but it was put out of commission before we got away, and I was taken prisoner by the South Africans, along with another nine Angolans.

We were bound, blindfolded and flown by helicopter to Oshakati, a military base of the South African racists in Namibia. We were interrogated by South Africans who spoke Portuguese. They were seeking information about SWAPO. Our hands were bound during the interrogation, and since our answers did not satisfy our captors, they beat us savagely. We were given no food, only water. It was during the interrogation that a South African revealed we were in Oshakati.

A few days later we were transferred to Ondangua. Here we were finally unbound, put in prison cells, and given food. A South African came and told us our lives were in his hands, and asked if we would work for the South African regime. We had to accept his offer, or die. We accepted the offer. I might add that in Oshakati prison we saw SWAPO prisoners with signs of torture on their bodies—burnt ears, and injuries from savage beatings.

We were finally taken to Dukunduku, Natal province, to a training camp of Reconnaissance Command No. 5. Here we were given military training for seven months. We were told we would fight against SWAPO and that we would wear SWAPO uniforms. The South Africans warned us that if we would flee, our families, who lived near the border, would be wiped out.

In June 1980, our training course ended, and we were brought to Ondangua. I was in a 30-man unit under command of a South African captain. We hunted for SWAPO guerillas in the region of Enana, Namibia, but failed to find them.

Meanwhile, I was not allowed to leave Ondangua even during operations, because someone had heard me say I would escape and return home.

The South Africans threatened to kill me, and tried to scare me by saying that even if I managed to escape I would blow myself up in the minefields on the border with Angola.

In August 1980, I was taken to Dukunduku again, and was given more military training. In October, I was taken back to

Ondangua. On October 24, we were engaged in an operation. Since we were wearing SWAPO uniforms, the South African police attacked us by mistake, and we killed two of their men. Then, we returned to Ondangua, and carried out a few more operations some time later.

In December 1980, during an operation I got away in the dark of night together with a Namibian named Chicuambi. Since we were still in Namibia, we contacted the SWAPO guerillas, who helped me to return to my country.

EVIDENCE OF RACIST CRIMES IN NAMIBIA

Extracts from a Report of SWAPO

The fascist junta of Pretoria has embarked on a terror campaign against the people of Namibia—men, women, and children. It is using methods typical of a fascist regime. For example, it forms criminal armed gangs code-named Koevoet. These death squads pose as guerillas and specialise in abducting or killing people suspected of being SWAPO supporters or sympathisers. They are killing Namibian patriots and destroying or pilfering their property. The houses of Andrias Shuudi, Elia Mwetako, and others, have been destroyed in that way.

The following are the names of SWAPO activists who were abducted and have vanished tracelessly:

Johannes Nakawa, Mathias Ashipumbe, Mathews Nehanga, Jacob Nangolo, and others.

In October 1980 alone, death squads abducted the following:

Johannes Ushona, Toivo Shikongo, David Enkali, and Amutenya Shilume, all four from the Ongandjera district; Absai Shilumbu, Paulus Nangolo, and Maria Amakali, from the Onandjokwe district; Johannes Paulus from the Omundayilo district, Tuyenikelao Haufiku from Okatope district, Martin Haikali from Walvis Bay, and Vilho Wilhelm and Peter Hainyeko from Aradis township.

The Koevoet death squad is backed up by the so-called Special Constables and the Tribal Home Guards, who are principally engaged in anti-guerilla reconnaissance and in identifying civilians who assist SWAPO combatants.

Many Namibians have been arrested and are being detained without trial in special detention centres all over the country—at Oshakati, Windhoek, Grootfontein, Gobabis, Walvis Bay, Karasburg, and so on.

Most of the prisoners are in secret jails which, as we have learned, are in the thick forests at Otavi and Grootfontein. As a rule, the detention centres are crowded, and many of the detainees are kept in dug-outs.

In January 1981, the fascist junta launched a forcible conscription of Namibian youths from age 13 upwards. They were to be engaged against the liberation forces and thereby change the Namibian conflict from a colonial into a civil war.*

SWAPO would also like to bring to the attention of the Commission that racist troops in Namibia should long since have been defeated by the embattled Namibian people if the fascist regime had not got overall financial support from the transnational companies which are, in fact, operating unlawfully in Namibia and exploiting its natural and human resources, and also the deadly sophisticated weapons and technology supplied to the racists by their imperialist allies. This support and aid has enabled South Africa to take an intransigent, arrogant, obstructionist stance, defying the demands of the Namibian people and those of the international community.

Extracts from Evidence Provided by the Committee of South African War Resistance**

In May 1979, the South African army began paying rewards to Namibians who informed on the guerrilla movement. For showing where a mine has been laid, the informer might receive R50. As much as R200 was paid for information that led to the detention of a guerrilla. A year later, the South Africans publicly announced they would pay rewards of R1,000 and R2,000 respectively for such information.

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* This diabolic plan has been carried into effect. The racists have activated the so-called Territorial Forces of Namibia.

** A non-governmental organisation of the foes of racism and apartheid in the Republic of South Africa, which is waging an unjust war against the peoples of southern Africa. The Committee's headquarters are in London.

The most typical actions of the People's Liberation Army of Namibia (PLAN) in 1980 were the following: sabotage operations, notably, breaking up railways and motor roads, wrecking power transmission and telephone lines, attacking military bases and police stations, acting against large military installations, such as attacking the air force base at Ondantua, enhancing the efficiency of PLAN flak units, guerrilla actions against the so-called white zone south of the combat zone designated by the South African authorities.

THE OCCUPATION FORCES

When you relate the civilian population to the strength of the armed forces in Namibia, its territory is probably the most highly militarised in the world. If we take the paramilitary security forces, the ratio of military personnel to the civilian population there is 1:12.

MILITARY BASES

While the troops are essentially concentrated in the northern part of Namibia, the Pretoria regime has in recent years set up a ramified military infrastructure, and in so doing also modernised the paramilitary infrastructure that had existed here for years. The South African army has admitted that it keeps no fewer than forty military bases in a 50-kilometre-wide zone along the Angolan border. South of the official "operational zone", the occupation army has at least 35 military bases, located in the southern part of the country.*

SOUTH WEST AFRICA TERRITORIAL FORCES (SWATF)

All troops in Namibia are South African troops that come under the command of Pretoria via Windhoek. At present, however, we must distinguish between the troops of the South African armed forces stationed in Namibia and the units and detachments permanently based in Namibia, though the distinction is highly conventional. The latter are now organised as the

*The figures are for 1981.

South West Africa Territorial Forces by virtue of Proclamation AG 131 of August 1, 1980.

Following the introduction of universal conscription for all white males in the RSA (1967) Namibian white conscripts became part of the South African army. They served in South African army units, and on ending their term of active duty were transferred to commandos active in Namibia.

In 1972, South Africa began training black Namibians as scouts. They served with units of the South African army in the "operational zone". In 1974, an infantry battalion was formed on a tribal basis. By the end of 1980 more than 20,000 Namibians (half of them blacks) were enlisted in units of the South African army permanently based in Namibia. Thus, by training black Namibians, the S.A. army more than doubled the number of Namibians in its ranks.

Until 1977, a system of dual subordination existed. Units stationed in the north and operating against SWAPO came under army group 101 in Grootfontein, that is, the operational headquarters accountable directly to Pretoria. All permanently based units in Namibia came under the South West Africa area command in Windhoek, one of the nine territorial military commands of the South African armed forces. This structure showed again that for Pretoria Namibia was its fifth province.

In August 1977, Major General Geldenews was placed in command of the South West Africa military area, and made responsible for all operations in Namibia. The operational headquarters in Grootfontein came under the South West Africa military command, which had become an "independent" operational area. Thus, it was Geldenews' mission to create the impression that there was an "independent" military infrastructure in Namibia and that a "multiracial national army" was shaping in anticipation of Namibian "independence".

Despite its professed allegiance to the idea of determining Namibia's future by negotiations under international control, the apartheid regime is conducting its old policy, which culminated in the establishment of the South West Africa Territorial Forces, ostensibly controlled by the recently formed Council of Ministers. All Namibia outside the "operational zone" and the Walvis Bay area, was said to be under the jurisdiction of the puppet administration in Windhoek.

The establishment of the South West Africa Territorial Forces is unlawful, because the status of these forces is contrary to Security Council Resolution 435. It is an administrative ruse which opened the doors to the conscription of black Namibians to the South African army, and also a political ruse which facilitated unilateral manoeuvres. The personnel of the Territorial Forces, which are being used against SWAPO, is subordinate to the South African army command. From the military angle, therefore, there has been no change. Yet the Territorial Forces have their own uniform, and General Geldenews declared in August 1980 that South Africa could not agree that these troops, or those of the South African army, should come under Resolution 435. Since these troops consisted of Namibians, he said, they had no place to withdraw to after the ceasefire, and could not be dissolved because they provided a living for their personnel.

THE POLICE FORCE

The police force, too, plays a conspicuous part in the military occupation of Namibia by the Pretoria regime. In the past ten years the South African police force has been given paramilitary training, and has been trained in counter-insurgency combat. The railway police, too, has been raised in status and given the powers of the security police. The police has the same arms as the army infantry. It is, in fact, part of the machine of suppression. The military nature of the police force is not taken into account at the negotiations of the Namibian question. Resolution 435 provides for the maintenance of law and order by the "existing police forces" after the ceasefire. The apartheid regime is taking advantage of this by expanding the police force in the northern part of Namibia. The biggest increase was in the number of "ethnic special constables", a new ramification of the South African police. In 1980-1981, as much as R2 million was allocated to arm them. Altogether this new force spent R8 million. It is estimated that Namibia now has from 7,500 to 10,000 policemen.

EXTRACTS FROM A REPORT OF THE INTERNATIONAL DEFENCE AND AID FUND FOR SOUTHERN AFRICA*

It is not known exactly how many Namibians are at present being detained without charges or are serving prison sentences for taking part in the liberation struggle. But they are indisputably many, which characterises important features of the unlawful occupation of Namibia by the Republic of South Africa. First, all of them are prisoners of the oppressive regime which practises the laws of apartheid in Namibian territory with especial cruelty. Second, the regime itself is unlawful. The Namibians who were tried and condemned for opposing the South African government, were tried in contravention of international law. The sentences passed were unlawful. They were arrested, thrown behind bars, interrogated, and tortured by soldiers and policemen who, in fact, have no right to be in Namibia.

The conditions in which prisoners in Namibia are kept, the abuses practised by the authorities who are removing their opponents from the political arena, and the brutal treatment of detainees—all this again exposes the specious nature of Pretoria's claims that it agrees in principle to grant Namibia independence and has laid the grounds for parliamentary democracy.

The truth is, however, that more than eighty per cent of the population of Namibia live in conditions of martial law, which permits the police and army of South Africa, and other forces controlled by the South African authorities, to arrest and detain without charges, to search homes without a warrant, and to intimidate and persecute all persons suspected of supporting SWAPO. All Namibians come under the security rules and regulations. Some of these are South African, and have been extended to Namibia, others have been specially introduced in Namibia by the South African authorities.

THE VARIETY OF PRISONERS

Namibian political prisoners, like those in South Africa, are classed in several categories:

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* The fund has consultative status with the UN Economic and Social Council and with UNESCO.

1. Persons tried and condemned to various terms of imprisonment under the Terrorism Act or the security law enacted in South Africa. The known prisoners, of whom there are between 50 to 60, are kept in the prison on Robben Island near Cape Town. The rest are serving their sentences in prisons in Namibia or South Africa.

2. Persons detained without charges being preferred against them by the army, police or any other security force on the grounds of one of the South African security acts or a Proclamation.* The number of such detainees is not precisely known, but they are estimated to total several hundred.

3. Prisoners of war and abducted persons. In the past few years, with the liberation struggle gaining in scale, a considerable number of persons, mostly Namibian refugees and emigrants, and some citizens of Angola, have been abducted by the South African army in raids on the territory of front-line states, and brought to Namibia. Some of the abducted persons have vanished tracelessly. Others are thought to have been condemned on grounds of the Terrorism Act or similar laws, and are imprisoned in Namibia. It is thought that the South African authorities are also detaining an unknown number of SWAPO combatants taken prisoner in combat in the operational zone. The largest group of abducted persons numbering around 200 was brought to Namibia after raids on the refugee camp in Cassinga and other camps in southern Angola in May 1978. It was reported that about a third of the abducted were released a few weeks later, but some 120 persons were still being detained nearly three years later, in a special camp near Mariental in the southern part of Namibia.

Extracts from the Deposition of Witness Nambinga

I was born on May 15, 1950, at Okadiva, northern Namibia. I am a trained nurse, and not married.

I was first arrested on September 17, 1975, at Engela Hospi-

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* Proclamation—an injunction issued by the South African Administrator-General in Namibia (the top-ranking official appointed by the government of the Republic of South Africa to head the administrative apparatus in Namibia).

tal where I was employed. The C.I.D. took me at once to Ogongo detention camp. The first night, I slept in a police van with my hands tied behind my back. In the morning I was untied and taken inside for my first interrogation. In the office I saw military police and the C.I.D. men who had brought me. They wanted to know if we had given medicine and money to SWAPO. When I said we had given nothing to the freedom fighters, they began punching me and hitting me with rifle butts. The beating lasted for nearly an hour. Then I was taken outside and kept in the blazing sun. Three soldiers, who were changed every four hours, guarded me.

All I was given in the time I stood there was a glass of milk. After dark I was again taken inside and ordered to stand in the corner all night. When I said I could no longer stand and tried sitting on the floor, the policemen tied my hands behind my back and hung me up from the ceiling. I was told they would not let me go to the toilet until I confessed that we had been giving medicine and money to SWAPO. This continued for seven days, and I could not help urinating where I was. When this happened in the office, I was made to clean the whole premises, and they put sand in my mouth and poured very cold water over me at night.

On September 24 I was taken to the prison in Ondangwa. There I stayed in solitary confinement until the first week of November. I was repeatedly interrogated and beaten, for they wanted me to confess that we had been helping SWAPO. The food I was given was unfit for human consumption—maize flour in cold water once a day, with deliberately too much salt. Sometimes the plate with this food was flung into the cell, so that the porridge was spilled all over the floor, and I was left without a meal.

The police wanted me to say who had killed the puppet minister of Ovambo homeland in August 1975. When I said I had no idea, the policemen said they would keep me in prison until I gave them the desired information.

From Ondangwa I was transferred to Windhoek Central Prison, where I was kept in solitary confinement the rest of November. On the first day of December the interrogations began all over again. I was asked much the same questions, with the sole difference that I was no longer beaten. The police threatened

me I would die in prison if I gave them no information. I was given no food sometimes for two or three consecutive days. No water was allowed for washing. This went on until my trial began on February 13, 1976.

I said at the trial that I had joined SWAPO in 1973, because it was fighting for the country's liberation and defending the interests of my people. The judge asked why Namibians were leaving the country, and I said they were forced to do so by the unbearable conditions created by the South African authorities. I admitted that we had, indeed, donated money, which was to be sent abroad to Namibian refugees who were in desperate need. I was sentenced to imprisonment, until I was at last released on March 13, 1977.

The second time I was arrested by the South African military police on July 15, 1980. They wanted to know who was assisting guerillas in the area where I lived. I said I did not know, and was given electric shock treatment. At first, the wires were attached to my fingers. To stop me from screaming, they stuffed cotton wool in my mouth and tied a piece of cloth over it so that I could barely breathe. Thereupon the electric wires were attached to my head. The torture continued from morning until two in the afternoon, with intervals when I lost consciousness.

On the following morning a rope was tied round my neck and pulled tight. I fainted. When I recovered consciousness, I was lying in a pool of blood, and discovered that my jaw was fractured. I asked for a doctor, but the policemen said they would not call one until I told them the truth.

On the following morning I could not get up, and the policemen began hitting me to make me rise. Still, I could not move. They took me to a military hostpital, where the doctor told me my left kindney was injured, that my eardrums had burst, and that serious injuries had been inflicted to my head. He gave me some tablets to take, but the policemen took them away from me.

For four days I could not get up, but on the fifth I was again interrogated and given electric shock treatment from eight in the morning until noon. A little chain that looked like a necklace was put round my neck, and it itched terribly. This continued until three in the afternoon. On the following morning they

again applied electric torture, placing the wires on my breasts. This went on for almost three hours, whereupon I was ordered to stand at attention, without moving.

On October 17, 1980, I was taken to the military base in Oshakati, where they placed me in a tent all by myself. A few days later a white officer came and ordered me to undress. He said he was a doctor and wished to examine me. But when he started taking off his own clothes and seized hold of me, I realised that he was no medical man. The officer said he would shoot me if I cried for help.

On October 23, 1980, I was put in a truck and taken to an unknown destination. They blindfolded me, and put a blanket over my head, so I could not see where we were driving. We came to a prison somewhere in a forest. I was put in a cell alone, and told not to remove the blanket from my head. One morning a warden found that I had removed the blanket, and I was punished. They beat me and hung me up head down. Then I was told I could not remove the blanket from my head for six weeks. I was beaten nearly every day until November 10. Then I was taken somewhere, and when we came to Usakos, the blanket was removed from my head and I saw where I was.

The policemen said I was being taken to Walvis Bay, and that I would work in a hospital at Swakopmund. Then they changed their minds: they said they had found better work for me at the Woerman and Brock supermarket.

I was given a letter of introduction to a man called Gerhardt at the supermarket. I did everything as I was told. As Gerhardt opened the letter I saw there was only one sentence in it: "That is the person."

I started on my job on November 21, and all the time the police came from Walvis Bay to check on me. Once three policemen came and took me away in a car. We drove out of town to a thick forest. They asked me the same old questions, and then offered me to work for them. I said I had to think it over, since the offer was so sudden. Then I said I would like to know their names, but they refused to reveal them. Then I said, how could I work with them if they refused even to give me their names. One of them said he was Jan, and gave me his telephone number. It was 0642-2927 Walvis Bay.

They brought me back to Swakopmund. I was badly frightened,

and decided on December 24 to run away and go north, get out of Namibia, and save my life.

Extracts from the Deposition of Witness Shipwata

I am a primary schoolteacher, born on May 30, 1945, at Okapanda in northern Namibia.

I was first arrested in February 1977 at Uutapi, where I was a clerk in the office of the district magistrate. They brought me to Ogongo detention camp, where I was held for a fortnight and interrogated by white officers of the South African army.

They wanted me to confess to helping SWAPO guerillas in the Ongandjera forest. When I said I had never helped guerillas and never supplied them with food, all six of the officers began beating me. For two days I was savagely beaten in the morning and in the afternoon. When the officers realised they would get nothing out of me, they stopped giving me water except on every third day. This went on until the day I was released.

I was rearrested after the tragic events in Cassinga. For a week I was interrogated by the military police at Ogongo detention camp. They said the papers they had captured in Cassinga and in SWAPO camps in Angola contained my name, and that by all evidence I was a loyal and active SWAPO supporter. I said my name could have been mentioned in the papers, because many SWAPO members came from the area where I live, and many knew me well. This time I was released without being beaten.

I was arrested the third time on March 2, 1980, when at work. A military lorry drove up and South African soldiers rushed into the office and said I should follow them. I was taken to my house, where the soldiers searched all the rooms, looking for landmines and radio equipment. Failing to find anything, the soldiers took me to Uutapi, whence I was flown by helicopter to Oshakati.

In Oshakati prison I was put in a cell. They did not touch me for two days. On the third day, four whites and a black began interrogating me. They said I should tell them everything I could. I said I had nothing to say, and they replied, okay, then you answer the questions we ask you. I agreed. The

first question was what contacts I had with the freedom fighters. I said I had no contacts. So they ordered me to lie face down.

They beat me with a truncheon evidently made of rubber. I was struck so strongly that I could not help screaming. They stopped for a short while, then resumed beating me. After that they tied my hands behind my back, bound them to my legs, hung me up, and started beating me again. Then I was put on the floor and given electric shock treatment. The wires were attached to the little fingers on both my hands, and a shock was administered every two or three seconds. I screamed in agony, and lost consciousness several times. They poured cold water over me to revive me, and everything began all over again. I was asked one and the same question: how had I been helping the guerillas. I kept saying I had not been helping them, until I could not talk any more. This went on for three days. During the next three days I was given no food, only drinking water.

Thereupon I was kept in detention with other Namibian political detainees and war prisoners. Some of them had lost either leg or arm in battle, but were nevertheless beaten and tortured every day. At the end of April 1980 I was released.

After the assassination of the puppet Ovambo homeland minister Lisias Auluuma, the police and army searched for me, with orders to shoot on sight. I fled from my home to Okapanda, where I hid in my father's house. South African soldiers came there, too, and I ran for the forest. They fired, but missed. The soldiers did not wait for me to return, and went back to my house, where they beat up my wife Augusta and a girl named Aloisia Amukatu, who was living with us. The two women were so badly beaten that they were still in hospital when I was leaving the country. People who saw them said my wife could not walk, and that the girl had a fractured arm.

Evidence of South African Soldiers Who Went Over to SWAPO

Wildbald Joseph, 17, formerly a South African serviceman, said:

"We were ordered by Sakaria Jafet, our commander, to use more violent methods to suppress SWAPO, to wipe out its supporters and all those who showed hatred of the South African Defence Force.

"We killed at random, raped women, and planted mines on roads and footpaths. We placed wads of money, tins of beef, and other things on the mines, to attract SWAPO 'terrorists', for we were told they had neither money nor food. Picking up this bait, they would pull the safety pin and blow themselves up.

"Worst of all was the treatment of captured SWAPO supporters. Usually, their right leg was amputated at the knee. This was done with an electric saw without an anaesthetic, and caused unbearable pain. Despite the amputation, they were not permitted to go home, and were kept in a place near Oluno, Ondangwa district, known as Steynwag military camp.

"In 1979 we detained a woman who was accused of having bewitched one of our men. We punished her by cutting off part of her buttocks, which we roasted and forced her to eat. We also cut off her ears and split her lip to disfigure her.

"One day we came upon a man selling meat at Okakwiyu, near Ondangwa. We took his meat, ate it, took his purse, and beat him up. When he complained to the authorities, our commander ordered us to cut off a piece of his thigh, roast it, and make him eat it. We felt no pity, because we took drugs, such as *dagga*, and certain others which drove us out of our minds."

Hafeni Shikongo and Taukondjo Nauvinga related the following:

"We used to cut off the fingers of those who refused to join our army after being captured, and often we castrated them. One of our victims was Paulus Haikali of Omatunda in Uukwanyama district. We could do nothing else, for anyone who showed pity was harshly dealt with."

Extracts from a Report of the International Defence and Aid Fund for Southern Africa

Axel Johannes, SWAPO executive secretary in Namibia, bears visible signs of torture on his body. He is 35, and spent one-third of his life in prison or in detention. The story of his life is an illustration of the persecution and repression showered upon members and functionaries of SWAPO.

Johannes joined SWAPO as a teenager. The first time he was thrown behind bars was in 1964. In 1966, when SWAPO launched

the armed struggle, he was secretary of SWAPO's youth organisation, and was arrested a second time. He was kept in solitary confinement until 1967, when the Terrorism Act was passed.

He had been arrested with a large group of other SWAPO leaders, but was finally released for being a minor. Thirty-seven other SWAPO leaders were condemned under the Terrorism Act, and 27 of them are still serving sentences on Robben Island.

Axel Johannes was arrested the third time in 1973 under Proclamation 17, which declared a state of emergency in northern Namibia. He was detained from August to November. In January 1974, he was again arrested along with other prominent SWAPO leaders. This time he was kept in solitary confinement for more than six months, and repeatedly tortured. In September 1974 he was tried on charges of aiding persons leaving Namibia illegally, but was found not guilty.

In August 1975, Johannes was arrested along with practically the entire SWAPO leadership after the killing of the chief minister of Ovamboland. Johannes was beaten and tortured again and again during his imprisonment, which lasted for more than seven months.

In March 1976, he was brought before a court, which ordered him to give evidence against SWAPO national secretary Aaron Mutemba and five other SWAPO members. For refusing, Johannes was sentenced to a year's imprisonment.

After serving his sentence, Johannes was transported to Ovamboland (though his home is in Windhoek), where he was immediately rearrested under Para 6 of the Terrorism Act. In December 1977, he was sentenced to 50 days' imprisonment for refusing to be a witness.

In April 1978, Johannes was arrested once more, this time in connection with the attempt on the life of Clemence Kapuuo, a leader of the Democratic Turnhalle Alliance. Though he had been in a place at least a hundred kilometres from the site of the killing, he was thrown behind bars, and transferred to Security Police headquarters in Windhoek a fortnight later. In prison he was tortured by two white and four black policemen. They hung him up by his wrists handcuffed behind his back, stabbed him with needles, punched him in the face, and tied a blanket round his head to make him choke.

What the police wanted was for Johannes to show them the

place where the pistol that killed Kapuuo was hidden. They had looked for it in Johannes's house, but did not find it. Finally, the police thought Johannes had hidden the pistol in the dried up bed of a river north of Windhoek. He was taken there, and when he did not show them where the pistol was, they again lifted him off the ground by his wrists tied behind his back. The rope was thrown over the branch of a tree. As Axel Johannes related, he screamed from the pain and finally "confessed" that he had buried the pistol in the sand. He was made to show the place, then had to dig a hole in the sand, and was then buried alive in that hole. He lost consciousness. When he recovered, he was held by his legs by a policeman, while another held his head over a ditch of water. They wanted one more "confession" from him. A hundred yards away, another SWAPO member, Festus Thomas, was at that time being buried alive in the sand. Johannes heard his screams.

During the imprisonment, Johannes was tortured in various ways. Sometimes they punched him in the nose, and then made him lick his blood off the floor, sometimes they punched him in the ear until it bled, on one occasion he was made to fight a former SWAPO member who had "confessed" to having taken part in the killing of Kapuuo. He was not allowed to sleep, or was made to urinate while lying on the floor, and was beaten with a rubber hose. Also, they fired their pistols at his legs, so that the bullets almost hit him.

At long last, Axel Johannes signed a "confession" drawn up by the police. In June 1978, he was told that he was being released under the provisions of the Terrorism Act, but would remain in prison under the Administrator-General's Proclamation 26. Then, he was transferred with 15 other SWAPO members to Hobabis prison.

In October 1978, Johannes and his mates were released from prison after promising not to speak at meetings and not to campaign for a boycott of the rigged tribal general election in Namibia. After six weeks of freedom, a day before the election, Johannes, five members of the SWAPO Executive and 80 members of the youth organisation, were arrested once again. Before Christmas, after the results of the election had been announced, the members of the SWAPO Executive were released.

On February 7, 1979, Johannes was rearrested when he went

to northern Namibia to visit his parents, whom he had not seen for two years. Policemen beat him with rifle butts, tied his hands and feet, and took him to Uutali-Ombalantu camp, where he was subjected to electric shock torture. Here is what Johannes wrote later about that arrest:

"Policemen blindfolded me, and tied me to metal poles. Then they poured cold water over me, put a kind of cap on my head and began torturing me with electric shocks. They attached two wires to my ribs, then to the upper part of my thighs, to my penis, anus, nostrils, and then again to my thighs. Sometimes I felt a sharp pain at certain intervals, but sometimes it was an agony that did not seem to end. While torturing me, the policemen kept saying: 'To be a member or leader of SWAPO isn't easy, is it?' "

After a week of torture and interrogation, Johannes was sentenced to paying a fine of R500, or 100 days in prison for breaking the curfew rules which forbade travel by motor-car after nightfall.

After returning from a trip to New York as member of a SWAPO delegation to the UN, Axel Johannes was again imprisoned and spent more than a year, from April 1979 to July 1980, behind bars. This time he was not interrogated.

After his release he was under what amounted to house arrest. He was not allowed to visit his parents in northern Namibia, though they had lost their livelihood during his latest imprisonment: their firm was gutted, and the security forces were said to have set fire to it. In December 1980, the authorities permitted Axel Johannes to leave Namibia and go to Britain.

The Case of Marcus Kateka Sentenced to Death

On October 13, 1980, Marcus Kateka, 40, a Namibian farm labourer, was sentenced to death by the Supreme Court in Windhoek. Hendrik Kariseb, who worked on the same farm, whose owner is a white, was sentenced to 10 years' imprisonment. Both were tried under the Terrorism Act, and the senior judge denied both of them the right of appeal.

Kateka and Kariseb were arrested in May 1980 in connection with an armed attack on Coabis farm in Grootfontein district in February 1980, though there were neither killed nor

wounded as a result of the attack. The trial began on August 27, 1980. Both defendants were charged with guerilla activities and with helping guerillas, and with incitement to violence.

The prosecutor maintained that the defendants had given food and shelter to the SWAPO guerillas on the farm where they worked, and had prompted them to kill the owners of the farm and their relatives. Kateka was said to have drawn the plan of the farm on the ground and explained where the various rooms were located. Kariseb was accused of having offered his help to Kateka and the guerillas. The farm owner told the court that the defendants had been employed on his farm for 24 years and enjoyed his trust. On the day of the attack, however, he had fired Kariseb, because another farm labourer had warned him that Kariseb was a SWAPO sympathiser and had refused to inform the owners of a neighbouring farm about the presence of guerillas in the locality.

The lawyer stressed that the defendants were illiterate and had never taken part in political meetings, though Kateka did know about the existence of SWAPO. When passing sentence, judge Strydom said farm labourers had to be made to understand their duty of notifying their employers of the presence of guerillas, and of not having any dealings with SWAPO. He rejected the lawyer's arguments that illiterate farm labourers had no knowledge of the political struggle in Namibia because, as he put it, no person in his sound mind could fail to know of SWAPO activities.

EVIDENCE OF RACIST CRIMES AGAINST THE AFRICAN PEOPLE OF THE RSA

Extracts from the Report of an ANC Spokesman

The unsavoury role played by the South African army in the "liberation war" in Zimbabwe and in the air raids on, and the military incursions into, Angola, Mozambique and Zambia, is explicable only in terms of the racist regime's central objective of isolating and destroying the revolutionary movement led by the sole lawful representatives of the people—SWAPO in Namibia and ANC in South Africa.

By terrorising the entire region of southern Africa, the Preto-

ria racists hope to compel the independent states to cut off their aid to the liberation movements, to turn against them, to take the side of the colonial, racist and apartheid regime. And though all their attempts are in vain, they have not given up.

In 1980, reacting to Zimbabwe's independence and anticipating a widening of the offensive of SWAPO and ANC, the racists redoubled their bombardments and acts of aggression against Angola, which had always stood in the front ranks of the countries whose support had facilitated the struggle of the peoples of southern Africa. South African troops raided Zambian territory, and massed forces on the borders with Mozambique, threatening to invade that country if its government did not stop "harbouring ANC terrorists". They threatened reprisals, and warned of "hot pursuit" into neighbouring countries, whom they accused of being responsible for ANC activity inside South Africa.

Today, the South African regime poses a most serious threat to peace and the security of the states of southern Africa.

We of the ANC believe very strongly that the main guilt for the crimes against our people and the peoples of Africa is to be traced to the Western powers and multinational corporations, which continue to place profits above human lives and value selfish interests higher than human aspirations. As these interests grew, so did the commitment of the imperialist powers to defend and strengthen the racist regime. The imperialists were aware that the white minority regime was, indeed, the guarantor of their interests. Accordingly, they viewed liberation of the peoples of southern Africa as an impermissible menace.

The crimes that the racist regime is committing outside the borders of South Africa, encouraged and abetted by Western imperialist powers, amount to genocide, to systematic torture, and the suppression of the oppressed in South Africa.

Year after year we have informed the international community that the criminal Pretoria regime is perpetrating ever graver, ever more hideous crimes against the oppressed people of our motherland. Brutal extra-juridical methods are being used daily against political opponents.

These methods range from the humiliation of all political opponents who fall into the hands of the police to inhuman torture of captured patriots, murder by the police in the streets,

at police stations and in prison cells, all the way to juridically sanctioned murder, as in the case of Vuyisile Mini, Solomon Mahlangu, and their comrades. The same fate awaits Johnson Lubisi, Petrus Mashigo and Naphtali Manana—stalwarts of the liberation struggle led by the ANC, who were sentenced to death by the racist court in Pretoria.

We would also like to call your attention to a problem which could in the end have disastrous consequences for our struggle. It is the problem of mercenaries from Western Europe, Canada and the USA, recruited for service against the liberation movements in southern Africa. At present, mercenaries are being used in Namibia, and we are certain they will be used in our own country as the struggle against racist tyranny intensifies. We call on the Western governments to put an end to the recruitment of mercenaries, and to see to it that those responsible and those who pay them should be severely punished.

We would like to recommend that our friends should concentrate on the following points:

1. Intensify all efforts to isolate the criminal racist regime in Pretoria, and work for the imposition of mandatory economic sanctions against it.

2. Campaign for granting prisoner of war status to all captured freedom fighters in accordance with the relevant Geneva conventions. The regime must not be allowed to execute Comrades Lubisi, Manana and Mashigo.

3. Intensify the campaign for the release of Nelson Mandela and all other political prisoners.

4. Expose South Africa's growing nuclear potential, and exert pressure on the imperialist countries that are cooperating with it in this field.

5. Put a stop to the criminal activity of mercenaries and demand punishment of all who are responsible for recruiting and paying them.

6. Give all possible assistance to the front line states in order to increase their ability to repulse racist aggression.

7. Deny any and all international recognition to bantustans.

8. Give all-round support to SWAPO in Namibia and the ANC in South Africa, so as to enable them to increase their striking power against the racist regime.

Extracts from the Report of the Committee of South African War Resistance

For centuries, the most distinctive feature of the history of the people of South Africa was their ceaseless struggle against racist colonial oppression. Although in the past ten years or so the peoples of southern Africa have scored historic victories that substantially changed the balance of power in the region, the war machine of the apartheid state is today a graver threat to peace in that part of the world than ever before.

The militarisation of the apartheid state is going on at a rate that causes deep apprehensions. The military expenditures for 1981 totalled R2,800 million. When the Malan-Botha regime came to power it turned the apartheid armed forces into the government's chief tool of what is an incontestably militarist policy.

In the past five years more than R4,000 million was spent on armaments. With the direct and continuous aid of the West, of Israel and other repressive regimes, the racists gained access to nuclear arms and technologies that enabled them to set up the biggest military-industrial complex in the Southern Hemisphere.

The apartheid armed forces—the army, police and various paramilitary forces—are held in constant semi-mobilised readiness. Inside South Africa, the army has joined the police in suppressing the people. Brutal crimes are committed each day in the name of "Western civilisation". Unlawful occupation by the apartheid war machine bars the Namibian people's road to liberation.

With the tacit agreement of the West, the apartheid regime is trying to turn back the clock of history and is mounting endless vicious attacks on the front line states. The war machine is being actively and specifically used in attempts to destabilise Mozambique, Zimbabwe, Zambia, and the People's Republic of Angola, which is bearing the brunt of the burden. The appearance of nuclear weapons in these circumstances makes the threat to peace created by the regime still more ominous not only for southern Africa but also for the rest of the world.

The apartheid regime is trying to include as many black South Africans and Namibians as it can in its armed forces.

Though, of course, that process is carefully controlled. At the same time Botha and his generals rely above all on the conscription of young whites, who are now made to serve in the army for two years at first, and then for a minimum of three months every year as auxiliary military personnel in the course of another eight years. With the liberation struggle expanding, the length of the conscription will no doubt be increased as well.

Any person refusing to serve in the army is subject to two years' imprisonment in a military jail, whereupon he is again conscripted. This process of refusal and imprisonment can continue until the person objecting to military service reaches the age of 65.

The events of the past five years have given rise to an as yet small but developing movement among young South Africans who on principle refuse to defend the apartheid system. The invasion of Angola in 1975 and the mass killings of children and teenagers during demonstrations in various townships in June 1976 have caused the first serious crisis of conscience among conscripts. To escape conscription, some of these young people left the country. Others stayed, but continuously changed their domicile, so as to be a jump ahead of the military police. Those who emigrated are taking part in the solidarity movement against apartheid, and in setting up war resistance organisations in Britain, the Netherlands, and the United States.

There had been opposition to military service on political and moral grounds before as well. In 1974, for example, the annual conference of the Council of Churches of South Africa passed a resolution containing an albeit weak but vocal call to deliberately object to service in the apartheid army. The resolution was then approved by the National Council of Students, which represents most white English-speaking university students. The regime reacted immediately by issuing a law under which conscientious objection propaganda was made a crime punishable by imprisonment for a term of up to six years.

Despite this ban, progressive Church-goers and the student movement continue to campaign for conscientious objections to service in the racist army, and put up cases of objection for public discussion.

In December 1979, conscientious objector Peter Moll faced a military tribunal for the third time on charges of objecting

to service in the apartheid armed forces. Prior to this he circulated an open letter he had written to his commander, in which he explained his objections to the system that is branded criminal all over the world. Our country, he wrote, is a land of enormous inequality in wealth, power and education... The whole situation is based on injustice. As long as the government does not publicly announce its intention to change that situation, I cannot with a clear conscience defend it. Young people are being increasingly required to risk their lives and take up arms. Many, like me, are already asking: "What are we fighting for? What must we die for? Are we going to die for a better, more just society? Are we really defending the last bastion of the Christian faith, as we are often told? Can what we are defending really be called 'civilisation'?"

Moll was sentenced to a year's imprisonment in a military jail. He spent more than a third of that term in solitary confinement. A far-flung campaign was mounted in South Africa and all over the world, with the result that the authorities complied with the demand of accepting Moll's objections as justifiable.

As many as 420 conscripts were confined in South African military jails as of April 1980, out of whom 383, or more than 90 per cent, were in prison for having objected to serving in the army.

The brutality reigning in the military jails of the militarist apartheid regime is appalling. The objectors, who are described as "traitors", are given a taste of it at the hands of the military police, which is gaining an ever more evil reputation. In June 1979, for example, young objector Henry Holloway committed suicide a fortnight after being placed under arrest in the racist army's biggest prison, Voortrekerhoogt, in Pretoria. Papers that were smuggled out of the prison to activists of the war resistance in South Africa, show that the authorities allow common criminals with long prison terms to join the prison wardens in terrorising members of the antiwar movement. According to these papers, at least ten young people died in military prisons in recent years.

As from 1975, more than 3,000 conscripts fail to show up for military service each year. By official figures, over 2,300 conscripts were condemned for this between 1975 and 1978.

Resistance is mounting even among soldiers already serving in the apartheid armed forces.

In October 1979, a company of soldiers based in Upington, Cape Province, organised a protest demonstration in the interval between serving in Namibia and in Angola, with more than 100 men taking part. They objected to ill treatment at the hands of their own officers and to the hard conditions created by the ever tougher requirements in the expanding hostilities in Namibia and Angola.

In February 1980, in Bloemfontein several soldiers were sentenced to from 10 to 15 months' imprisonment in a military jail on charges of having "conspired with the aim of mutiny".

The apartheid regime is stepping up reprisals for passing on any information that may have an unfavourable effect on the loyalty of conscripts. It is therefore ever more difficult to collect evidence of disobedience to the regime.

To expand the armed forces, the regime is now trying to recruit black South Africans and Namibians in addition to whites. There is already a peculiar type of "economic conscription" for unemployed "coloureds" and Indians, who are being made to "volunteer" for the army. Blacks living in rural areas have become the target of a massive propaganda campaign with the aim of forming units on a tribal basis and using them in combat against their countrymen. The swindle with "independent" bantustans has led to the activation of likewise "independent" puppet armies.

The UN has called on all its members to grant political asylum to persons objecting to service in the racist army. The anti-apartheid movement all over the world has voiced solidarity with members of the war resistance inside South Africa. SWAPO keeps calling on young South Africans to refuse to carry out criminal orders. In an ANC statement published at the end of 1970, General Secretary Alfred Nzo said the African National Congress welcomed the brave white democrats who were leaving the sinking ship of the fascist Botha government. They would play their due role, he said, in the mounting struggle for national liberation. Their expressions of solidarity with the struggle of black South Africans should be still more active and still wider, so as to hasten the eradication of racism in South Africa and bring closer the era of wellbeing for the entire people.

Extracts from Evidence Provided by the Anti-Apartheid Movement of Great Britain

Having acquired a nuclear capability, the South African war machine is preparing for total war against independent Africa. Since the slaughter in Sharpeville, the South African military budget went up from R40 million in 1960 to the enormous figure of R2,189 million in 1980. This military build-up is one of the swiftest in general history and the biggest registered in Africa.

In the autumn of 1980, a British television series, *The World in Action*, proved at length that on September 22, 1979, South Africa in cooperation with Israel had detonated a nuclear device placed in an enhanced range 155-mm artillery shell. Shells for this purpose were supplied by a US-Canadian corporation, Space Research Collaboration. Nowadays, shells of this type are manufactured in South Africa.

The British government has permitted sale to South Africa of the latest radar system for military purposes, and in 1979 South African air force personnel underwent training in the use of the system in Britain.

Extracts from the Deposition of Witness Moroka

I, Gladstone Moroka, was born in the Republic of South Africa on May 23, 1953. The security police arrested me on four occasions. The first three arrests, in 1974 and 1976, were short and I was neither tortured nor beaten. The fourth time I was arrested and detained from September 1976 until February 2, 1977, under Section 6 of the Terrorism Act.*

On September 2, 1976, at midday, when we (Masterpiece Gumede, two others, and I) were driving in a car in Soweto, we were stopped and arrested by a security police patrol under Sgt de Lima and Sgt Saans. The security police were in two cars and numbered at least six. Sgt de Lima had a rifle. We were dragged out of the car, handcuffed in pairs, and driven to Kliptown police station. There, we were questioned by de Lima

* Section 6 of the Terrorism Act provides for indefinite detention without preferring charges. All senior officers of the South African police are entitled to arrest and detain persons.

and Saans, both of whom punched us in the face and kicked us with their boots. De Lima hit me once in the forehead with the butt of his rifle.

Around half past five we were again handcuffed and put in a Chevrolet, with Sgt de Lima driving. One car was in front, another behind us. Next to de Lima, Saans was kneeling on the front seat and facing the back. He had his revolver aimed at us. We drove in this way until we came to John Vorster Square, where we were led into an office and Captain Cronwright said he was welcoming us to Timol Tower, reminding us thereby that in 1971 Ahmed Timol had been killed in this building by being thrown out of a tenth-storey window.

Sgt de Lima took me to his office, where Sgt Saans was already waiting. De Lima ordered me to undress and sit on what he called an "invisible chair". This meant I had to squat in a half-sitting and half-standing position. I did so, and Saans gave me two large telephone directories which I had to hold over my head. Within a few minutes my legs began to ache, and I trembled all over. Sitting on a chair in front of me, Sgt de Lima said Saans would kick me in the head every time I fell. Then he said he was experienced in interrogating prisoners, because he had started in 1963. He bragged that in the cases he had handled all prisoners started by refusing to talk, but by the time he was through with them 90 per cent agreed to give evidence. He hoped, therefore, that there would be no problems with me, since I was too smart to die for nothing. I thought there would be no end to de Lima's "talk", because he stopped each time I fell on the floor and Saans put his boot on my face or head and pressed. Then they would allow me to "sit" again, and the talk would be resumed.

Sgt de Lima pointed to a display on the wall depicting explosives and chords. He pointed at an object that looked like a capsule and asked if I knew what it was. When I said I did not, he said it was an electric detonator and that he would stuff it up my anus. The talk was over and I was ordered to dress.

Thereupon I was taken to Captain Cronwright's office along with the two other detainees, and told that I was being held under Section 6.

Now, de Lima took me to another room. There I saw four

policemen. There was no furniture, and only bloodstains on the walls. I was made to undress again and stand in the middle of the room, facing the biggest of the policemen. He was about two metres tall. The others were in different corners of the room, smoking and gazing at me. The tall one was drinking juice from a tin, which he then crushed between his fingers. This terrified me. I trembled all over. The big one punched me in the face and sent me reeling towards de Lima. The latter also punched me in the face, and I stumbled into the tender embraces of the big one. They kept punching me in this way and tossing me to each other until I was knocked unconscious. Then they poured water over me from a bucket, until I recovered. De Lima and Saans took me to another room and tied me to a chair. Wires were attached to my left thigh near the genitals. Another bucketful of water was then poured over me, and in a moment I felt a stab of unbearable pain. I began jerking and screamed at the top of my voice. De Lima switched off the current, but later switched it on three times, until I blacked out again. I recovered in a cell.

I heard voices addressing me from near-by cells. When I responded, they said they had been worried, thinking I might have died because I was not answering. I asked for the time, and they told me it was Friday night. This meant that I had been unconscious for nearly twenty-four hours.

On Monday, de Lima said he hoped my welcome had been warm enough to loosen my tongue. This time they did not beat me seriously, save for de Lima hitting me over the head with the butt of his revolver while I was writing my statement in his office. On September 16, I was released from the John Vorster Square prison, but was re-arrested the moment I stepped into the street by two men of the security police from Pietersburg. They took me to Pretoria Central Prison, where I spent a fortnight and where I was neither beaten nor questioned.

At the beginning of October, I was taken by car to Soekmekaar in northern Transvaal, where I was locked up at the police station. I recognised the policemen: they were the ones who had taken me to Pretoria Central Prison.

All the way from Johannesburg to Pretoria, and now from Pretoria to Soekmekaar, nothing was said to me. Only on arriving in Soekmekaar did they identify themselves. One of them

was Major Strydom, and the other, whose name I have forgotten, was a Colonel. Strydom said he would keep me behind bars until I rotted, depending on whether or not I cooperated. He said nothing could save me—neither priest nor lawyer nor God himself. From then on, he added, my life was in his hands.

Late in November, my statement again failed to satisfy Strydom. This time he and a Lieutenant Van Eck tied one end of a copper wire around my testicles and the other end to the handle of the office door. Then they set alight a blowtorch and brought it nearer and nearer to my face. I drew back, and the wire would tighten. The pain was practically unbearable. I screamed at the top of my voice. All that time, Strydom was whispering something into my ear, but I could not make out what he was saying. Then I fainted, and regained consciousness when water was sprinkled in my face. The whole thing began all over again. I was subjected to this treatment three more times in the course of an hour.

After the fourth time, I regained consciousness in my cell.

I never saw Major Strydom again, and was neither interrogated nor beaten until my release on February 2, 1977. I had spent five months or, more precisely, 153 days, in solitary confinement. All that time I usually had the feeling that I might be killed at any moment. At times I found that I was talking to myself. And I was afraid for my sanity. I was not allowed any reading matter, except a Bible in Tsonga, a language I did not know. But at least struggling to understand the words I was able to keep my mind off the danger that I was in.

Extracts from the Deposition of Witness Gumede

My name is Masterpiece Gumede. I was born in South Africa and am 28 years old. In 1976, when the uprisings occurred in Soweto I was still a student at Zululand University. On June 18, the unrest spread to our university. The administration buildings were destroyed, the new church near the men's dormitories was also damaged, and so were the library and other buildings. The university closed down for an indefinite period.

On June 19, I returned to the campus to collect my belongings. We were five in the car. At the gate we were confronted by white policemen in camouflage uniforms. They allowed us in,

and trailed us. When we got out of the car, they started firing questions at us. They did it in a rude, mocking manner. After a while it was obvious they were interested in just one of us. The reason being his also wearing a camouflage jacket, which they called a Frelimo jacket. They taunted him, and then drove him away in their car. I never saw or heard of him until he was released from detention in mid-1977. The student had spent almost a year in jail just because the policemen did not like the way he was dressed.

I was first arrested on September 2, 1976 in Soweto, the black ghetto of Johannesburg. We were four in a hired car. I was driving. Three of us were from Ngoye (University of Zululand) and the fourth, Gladstone Moroka, who is also testifying before this Commission, was from Turfloop. A police car started trailing us from Eldorado Park until on the main road between Rockville and Mofolo South a car appeared from nowhere and forced us to the side of the road, then overtook us and blocked our way in front. Another police car blocked us from the rear. In a twinkling of an eye we saw security policemen in civilian clothes and with pistols in their hands.

We were handcuffed in pairs and taken to Kliptown police station. All the way to Kliptown a policeman named Saans kneeled on the front seat and pointed a revolver at us in the back. Saans is a tall man of athletic build. Mr. President, I described his physique because he was the one who later assaulted me. At the police station he singled me out from the rest of the group and took me to a passage. There he seized me by the hair and rammed my head against the wall. He shouted at me, and asked: "Where is the Kombi?" I said I didn't know what he was talking about, and he began punching me. Mainly in the stomach. He punched, and then lifted me up by my hair or the top of my jacket and rammed me against the wall. And all the time, I was asked about the Kombi. Failing to get the desired answer from me, he took me to the charge room, and there said to another security policeman that he would personally deal with me, and break me. Fortunately, Saans did not get another chance to assault me.

After a while in the dark cells of Kliptown police station, we were taken to John Vorster Square, the notorious police station in Commissioner Street. On the 10th floor there, the policemen

taunted us, saying: "Hier's die klipgoiers, waar is jou klippe nou?" (Here are the stone throwers. Where are your stones now?) One even said: "Welcome to Timol Tower." This brought home to me the grave danger I was in.

From September 2 to 14, I was kept in solitary confinement at the Fort. There were many Section 6 [of the Terrorism Act] detainees. The cell I was in was very small. Standing in the middle I could touch both side walls with my outstretched hands. It was barely long enough for me to lie at full length on the floor, with a little room left to accommodate the bucket which served as my toilet. I only had a blanket and the bucket to keep me company. I was not allowed either to talk or read.

During that first arrest I was not tortured. They only threatened to torture me. On September 14, nine of us were brought to the tenth floor of the building in John Vorster Square. Here Captain Cronwright talked to us before we were released. As always, he did not speak normally, but screamed and shouted. "You accuse us of being Nazis," he yelled at us, "and so we are; what of it?" After this declaration of sympathy for Nazism, Captain Cronwright told us we were free to go home.

My second and last spell of detention began on November 7, 1976, a Sunday morning when I and many others were arrested by a Captain Van Niekerk, who was in charge of the Security Branch in Protea police station. I spent most of my time under Section 6 of the Terrorism Act in Kliptown police station. On November 22 and 23, which was my birthday, I was tortured. One of the torturers was a Lieutenant Visser, while I do not remember the name of the other.

They began beating me in the morning of November 22, punched and kicked me mainly in the body, so as to leave no visible marks. When I fell, Visser would put his boot down on my mouth and push. The beating stopped when they went for lunch.

After lunch, they resumed. This time they resorted to other methods beside beating. One was the "invisible chair". I was made to assume the pose of someone sitting on a chair, stretch my arms out and promptly answer Visser's questions. The other policeman stood beside me with a pole more than a meter long, which he used to clobber me with when I failed to keep the required pose. I fell many times, and was struck with the pole

for it. Visser fired questions at me, sitting behind his desk. Now and then, however, he would rise and go for me.

Now, Visser is a deadly puncher. He comes at you looking you in the eyes, and before you know it, he punches you hard in the stomach. He goes for the body, not wildly, but after selecting his target. Time and again, Visser took me by the hair and rammed my head against the wall. His other favourite trick was to ask me questions until I grew tired answering. Then he would suddenly bang the desk hard with the palm of his right hand. The loud bang, unexpected as it was, was as bad as a blow to the body.

That day I had been given nothing to eat or drink. Neither was I allowed to go to the lavatory. Shortly before the other policeman knocked off for the day, the beating stopped. I was told to kneel with my face to the wall, and not to turn round.

The other torturer (not Visser) left to fetch something to eat. He returned with some potato chips and milk. The second policeman finished his meal and wanted to stuff a few chips down my throat. I resisted, and he kicked me hard in my back.

The next torture session began at about 8 p.m. They made me squat, blindfolded me, and tied my wrists. Then they tied my arms and legs to a pole and suspended me thus between two desks. Electric wires were attached to my wrists. The first electric shock was something I thought I could withstand. But the questioning dragged on and on, and the electric shocks became unbearably painful. My body jerked violently each time the current was switched on. To make matters worse, the questioning continued. Electric shocks as a method of torture are a terrible thing. I will not forget the horrid experience in a hurry.

They took me back to the cell at around midnight. During the morning of November 23 they resumed beating me. Thereafter, I was kept in solitary confinement in Kliptown police station. While in my cell I had a lot of time to think, and remembered how many people died mysteriously while in police custody.

I was released on February 4, 1977. No charges were preferred against me. I was simply told to go home. Towards the end of 1977 I left South Africa.

Extracts from the Deposition of Witness Zulu

My name is Vusi Zulu, born in South Africa in 1960. We were five in the house in Soweto the night I was arrested on August 18, 1977. I was the only one asleep. The others were in the kitchen. I have no idea of what was happening while I was asleep. One of those who had been in the kitchen came and woke me up: outside there were noises and the barking of dogs. He told me that the others had managed to escape. The police entered the house through both doors. There were about twenty of them, all whites. They asked us about some people they were looking for. We said we did not know them, and they attacked us, striking with the butts of their rifles, kicking, and punching. This went on for about thirty minutes, and every policeman in the house participated.

They made jokes about the way we were screaming and pleading for mercy. Then they handcuffed us and chained our legs. Thereupon, we were frogmarched to the waiting cars, and driven to Protea police station. The other comrade was taken somewhere, while I was led to the courtyard, where the policemen punched and kicked me about until blood flowed from my mouth and nose. I blacked out, and did not regain consciousness until water was poured over me by a black policeman.

From the yard they took me to an office full of white policemen sitting along the walls. Major Visser, who sat in front, began asking me all sorts of questions to which I could not reply because I was being constantly struck in the face by other policemen. They yelled at me and said I needed softening up. I was handed to a Lieutenant Trollip, who took me to another room with four other policemen.

Trollip asked me why we were making trouble in Soweto and who was giving us instructions from outside the country. To every answer I gave him, he said I was lying and hit me with a plastic truncheon. He then said he would give me a taste of what he called "tikoloshe". I was blindfolded, and both my hands and feet were tied. Then wires were attached to my earlobes. When the current was switched on, I felt a burning sensation in my head and as though someone was hitting me with a hammer and stabbing me with needles. My body jerked convulsively, my tongue seemed to have expanded, I was grinding

it with my teeth. The pain was unbearable, and all my movements involuntary. All this time, Trollip and his four mates laughed at me, and were passing jokes.

They would switch off the current for a moment, asked me some questions, and turned on the electricity again after hearing my answers. This went on for what seemed an hour. My shoes were taken off, and the nails of my big toes were pulled out with some sort of instrument. Two of the policemen were holding me down, because I was screaming from the pain and trying to wrench myself free.

I must have fainted, because when I woke up I found that the blindfold had been removed from my eyes, and my hands and feet were untied. By this time it must have been around six o'clock. I was in pain, and could not move from where I was lying on the floor. Two black policemen carried me to a car, and I was driven to the Jabulani police station and dumped in a cell on a thin mat. The blanket was infested with lice. Here I spent four days without food or water, and without medical attention. Nobody came to see me and the door to the cell was never opened.

On the fifth day they brought food: bread and tea for breakfast and supper, and some coarse porridge at midday. Owing to the pain, I could eat only a bit of the food. After four weeks, I had recovered a bit and could move about the cell. Then I was taken to a man who said he was a magistrate and that it was his duty to hear my complaints and requests. As I learned later, he came to the jail every fortnight. I said I wanted to know on what charges I was being detained, complained about the beatings and torture, and demanded immediate medical treatment. He promised to look into the matter, and went away.

The following day Lieutenant Trollip came and said I would only make matters worse for myself by complaining to the magistrate, because they had only just started on me. He refused me permission to see my family or receive fresh clothing.

I stayed in Jabulani for two months, during which I had no further visits either from the police or anybody else except the attendant who brought me my food.

Then I was moved to John Vorster Square, where the interrogations began all over again. I was questioned by Sgt De Meyer and Captain Visser. They asked me the same old questions

about my part in the Soweto rising. They beat me every day with a plastic truncheon. As a result I found it hard to talk. After a week of this I was taken to see Dr Jacobson, who gave me some pills. The beatings continued, however, but were less and less brutal. The interrogations went on for two months, starting at eight in the morning and going on until four in the afternoon, seven days a week. After two months I was transferred to Fort Prison.

I began receiving fresh clothing from home after four months' detention, though I was still not allowed to see anyone except the police. Thus I was held in Fort Prison for another seven months, but without being questioned or beaten.

A year after I was arrested, I and ten others were charged with sedition and terrorism. The trial went on for ten months. We were all found guilty of sedition, and while some were given suspended sentences, others are still serving their sentences on Robben Island.

While in prison I did not see my parents until a year after my arrest, but during the trial we had a few privileges—receiving visits, staying together in a cell, and getting reading matter and food.

Extracts from the Deposition of Witness Ntjilontjilo

My name is Malombo Ntjilontjilo. South Africa is my country. Though I was born there 32 years ago, I have not lived there since 1975.

I was arrested in 1973, right after the commemoration of the Sharpeville massacre was successfully organised. The political police took me from Sharpeville straight to the main police station in town. I was interrogated by three white policemen.

Two of them referred to the third politely as Captain. One of the two was questioning me and continuously punched or kicked me, or slapped me in the face, or burned my neck with the glowing tip of his cigarette. He walked round me lazily, and every time he approached I turned cold with fear. He struck me at different intervals, and every time in a different place than the time before. Some time later, the policeman was ordered to "stop this", but he continued circling me. At about five in the afternoon I was taken to my cell.

The following day I was taken to a room with a large window. I was told not to lean against the wall, and left alone. Here I remained for something like five hours. The significance of what was happening crossed my mind when I remembered the cynical utterances of one of my interrogators who had kept asking me if I knew what had been done with Ahmed Timol.

Some time later, a man with disheveled hair and in a tight T-shirt that revealed his strong physique, suddenly entered the room. He had piercing eyes. Having shut the door behind him, he began insulting me and said I would have to stand up for my manhood. This sent a chill down my spine, for I had no idea what he meant. Then he went out without indicating if he was coming back. So, of course, I expected him to reappear any moment.

Instead of lunch, I was brought paper and ink, and a pen, and told to write the story of my life and everything I knew about any outlawed organisations.

I wrote for the rest of the day, and then the following day. On the basis of my account, I was subjected to fresh interrogations. These lasted for eight days, morning till night, with a break for lunch. This time I was being questioned by a new team, save for the Captain, who was much more aggressive than he had been the first time. Mainly, he kept intimidating me, and only once he poured a cup of something, tea or coffee, over me. Whenever he left the room, one of the other policemen would "advise" me to be more cooperative and not anger his boss.

The second time I was arrested was in 1975. This time I was locked up with common criminals without being charged or tried. To frighten me, the policemen said that the criminals would give me a good hiding. But when I was brought from the police station to the prison I was well received in the cell, and as a result they transferred me to solitary confinement. The conditions in prison were slightly better than at the police station, where the stench from the bucket that served as our toilet and was not cleared for days on end, was overwhelming. In the prison they had a water-closet. Besides, the blankets in the prison cell had fewer lice than those at the police station.

Extracts from the Statements of Dr. Onesimo Silveira, of the UN Commission for Refugees in Southern Africa

The condemnation of the apartheid regime by the international community as a whole and the United Nations in particular, is common knowledge and has today become an indissoluble part of international politics, especially in the context of the outlook for peace and progress for all humanity. The issue is so highly important because resolving the political problem of southern Africa created by the aggression of the apartheid regime is undoubtedly a most important task for lasting world peace. Solution of such a problem crosses the borders of any continent and becomes the concern of all the nations of the world.

The UN high commission on the refugee problem which I have the honour to represent in the People's Republic of Angola, is by definition a witness of the tragedy of those Africans who had had to leave their homes and emigrate. This emigration, which is not the effect of uncontrollable natural calamities, is nothing short of an apartheid crime, and the International Commission of Inquiry is sure to take that fact into account.

I am sorry to say that this emigration is at the same time a blight for 50,000 Namibian and 5,000 South African wholly guiltless refugees. The racist regime's avowed aim of physically exterminating its own victims has driven that regime towards ceaseless aggressive raids into Angola, whose sole "falt" has been to offer sanctuary to the refugees. As a sovereign state, it has every right to perform this humanitarian act. It conforms in its entirety with the basic principles of international law and practice. The foul attack on civilian refugees from Namibia in Cassinga in May 1978 was a striking example of the criminal policy of genocide pursued by the apartheid regime. The attack was strongly condemned by the international community. It was one more in the endless list of apartheid crimes, along with the atrocities in Sharpeville, Soweto, and the bantustans, the raid into southern Angola, and the attack on Matolo in Mozambique.

The main concern of the UN High Commission for Refugees is the physical and moral wellbeing of the refugees. In pursuance of its powers, the High Commission has for a number of years given aid to SWAPO and ANC. This aid is growing and

becoming more diverse. Giving this aid, and exercising control over it, we bear in mind the main purpose of the High Commission—that of ensuring the basic rights of the refugees, including the right of returning to their native land.

The aid granted by the High Commission to SWAPO and ANC, supplemented by that of other UN agencies and various governmental and non-governmental organisations, has helped to mitigate the hard lot of the refugees. But speaking of the refugee problem in Africa as a whole, the means at the disposal of the High Commission should be increased without further delay.

Speaking of the supplementary activity aimed at solving the problem of the refugees in Angola who are victims of apartheid aggression, I must express our deep gratitude to the People's Republic of Angola and its leaders for their efforts. Speaking on behalf of the refugees, we can say that Angola's stance transcends mere provision of asylum. It is a lofty attitude which is being maintained despite the consequences. Angola is paying dearly for it, exposing its territory and population to continuous acts of South African aggression.

The inquiry of the International Commission has shown that the efforts of the progressive public all over the world must be more vigorous. The Conclusions contain insistent demands, whose implementation must be achieved. The conscience of all decent people on earth cannot rest until the criminal racist and apartheid regime is finally wiped out and the peoples of southern Africa attain freedom and the right to live in peace under the protection of law.

CONCLUSIONS OF THE INTERNATIONAL COMMISSION OF INQUIRY INTO THE CRIMES OF THE RACIST AND APARTHEID REGIME IN SOUTHERN AFRICA

The International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa held its session in Luanda, People's Republic of Angola, from January 30 to February 3, 1981.

This session was attended by the Commission members and by different personalities and representatives of various organisations from 28 countries of Europe, Africa, Asia and the Americas.

In concluding the session, the International Commission of Inquiry has drawn attention to the universally recognised legal principles on which its activity is based. It has gathered much information which shows defiance of these principles. It has drawn legal conclusions of vital importance and proposed measures which make it possible to restore both justice and international legality.

I. LEGAL BACKGROUND

The Charter of the United Nations, the Charter and Judgement of the Nuremberg International Military Tribunal, the Convention on the Prevention and Elimination of the Crime of Genocide, the Universal Declaration, and the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Prevention and Suppression of the Crime of Apartheid, as well as many resolutions and decisions of the United Nations—all these instruments necessarily lead to the conclusion that apartheid is a crime under international law.

Namibia enjoys the legal status of an international territory and was placed under the direct responsibility of the United Nations by Resolution 2145(XXI) of October 27, 1966 taken by the UN General Assembly. That the continuous presence of the South African authorities is illegal and all measures taken by these authorities are equally illegal and invalid was reaffirmed in its resolution (276) of January 1970 by the Security Council.

Therefore, the contempt of the South African regime for the body of international laws established since 1950 by the International Court of Justice, the General Assembly, the Security Council and various other organs and bodies of the United Nations, and by many international conventions, has shown its flagrant violation of all the principles and standards universally recognised by the international community.

II. FINDINGS

The reports submitted by the representatives of the People's Republic of Angola, of the Namibian people (South West Africa People's Organisation—SWAPO) and of the majority of the pop-

ulation of South Africa (African National Congress—ANC), the testimony of many witnesses; the observation of the missions carried out on 1 February 1981 in Lubango, Xangongo and Cuamato in the Cunene region, near the Namibian frontier, and on the same day in the Cuanza Sul (Calulo) Namibian refugee camp 250 km from Luanda; and the visit to the Central Military Hospital—all this has enabled the Commission to gather relevant information and draw the following conclusions, which confirm and complete the results obtained by the Commission of Inquiry into the acts of aggression perpetrated by South Africa against the People's Republic of Angola, which visited Angola from August 6 to 13, 1980 (United Nations Centre Against Apartheid, Notes and Documents, No. 2/81, January 1981).

1) Armed attacks, raids and temporary military occupation of Angolan territory by the South African Army (penetrating as deep as 150 km) and violations of Angolan air space perpetrated by these forces stationed at the military bases in Namibia, are carried on systematically and almost daily.

2) These attacks are aimed in particular against the industrial and agricultural infrastructure and against all means of communication in order to paralyse the economic system and, consequently, create a state of permanent insecurity with the aim of destabilising the People's Republic of Angola.

3) This undeclared war is directly affecting large sections of the civilian population, who are victims of bombing, assassinations, abductions and torture.

4) Torture, in its most inhuman forms, is systematically used by the South African regime both against Angolan prisoners, the SWAPO and ANC combatants and sympathisers, and even against the civilian population of the countries of southern Africa.

5) The arms and equipment used for war and repression by South Africa come mainly from the United States of America, France, Belgium and other NATO member countries, as well as from Israel and from certain Latin American countries (through importation, manufacture under licence, and delivery under forged export licences). Mercenaries of the same countries are associated with or even integrated into South African army units.

6) The very difficult living conditions of the 50,000 Nami-

bian refugees in Angola (notably as regards hygiene, health and education) are the direct consequence of the illegal measures taken in Namibia by the South African regime.

III. LEGAL CONCLUSIONS

The International Commission of Inquiry therefore considers, from a legal point of view, that:

1) South Africa by its acts of armed aggression systematically and on an immense scale violates the sovereignty of the People's Republic of Angola and the integrity of its territory. This justifies the application of the sanctions provided in Chapter VII of the UN Charter by reason of the scale of the unprovoked aggression amounting to an undeclared war against the People's Republic of Angola.

Beside, there are attempts to interfere in the internal affairs of the People's Republic of Angola by maintaining and using UNITA as a supplement to the South African army and to other mercenary forces to mask the aggression as a civil war. The same grave challenges to their sovereignty are suffered by the People's Republic of Mozambique and by the Republic of Zambia, and they also threaten Zimbabwe which has recently become independent.

2) The government of South Africa has no right to justify its military actions by means of the rule of "hot pursuit" in search of SWAPO and ANC. Such a right does not exist in international law in relation to pursuit on land and is inconceivable from a territory occupied illegally. Moreover, acts of resistance against the illegal South African regime by the national liberation movements, recognised as legitimate by law, cannot in any fashion be legally identified as "terrorism", as South Africa is trying to do.

3) The recognised rights of the Namibian people are violated in outrageous fashion by the South African occupation. In fact, the territory of Namibia falls directly under the responsibility of the United Nations; the right of the Namibian people to independence has been recognised by the United Nations in accordance with Resolution 1514(XV) of the General Assembly of December 14, 1960. Only the Namibian people have the right to exercise sovereignty over this territory's wealth and natural

resources (Decree No. 1 of the United Nations Council for Namibia).

South Africa's occupation of Namibia is a violation of the fundamental principle of a people's right to self-determination and is a criminal aggression against the Namibian people. The so-called "government" forcibly set up by South Africa in Namibia is illegal.

The sole authentic representative of the Namibian people is SWAPO. This is accepted by the United Nations and OAU and various government organisations. SWAPO is based on total resistance, including armed struggle, and this entitles SWAPO to the fullest international aid which it now demands.

The use of armed force against SWAPO and the Namibian people constitutes an international armed conflict and a serious challenge to the authority of the United Nations in this part of the world. The systematic massacres and torture carried out by South African occupation forces against the population and the liberation movement fighters (who are treated worse than common criminals) are a violation of humanitarian law (The Hague Convention, the Geneva Conventions of 1949 and the Additional Protocol of 1977). They also constitute an open violation of the 1948 Universal Declaration of Human Rights and of the 1966 International Covenant on Civil and Political Rights.

4) The repression of the majority of the population in South Africa within the framework of apartheid, considered by international law to be a crime against humanity, expresses in the clearest form South Africa's colonialist nature and violates the rights of peoples to self-determination. The majority of the population in South Africa asserts itself through a national liberation struggle and so establishes its right to use all means, including armed struggle itself, and to benefit from all forms of international aid from states, and from intergovernmental and other agencies.

Members of the national liberation movement (ANC) have the well-founded right to benefit from combatant status as defined in international conventions and from prisoner of war status when they are captured in combat. Under all circumstances they have the right to benefit from Declarations and Covenants on human rights.

The systematic and open violations of international law by

the South African regime are only possible due to the direct and indirect complicity of a certain number of states which respect neither the spirit nor the letter of the United Nations resolutions and decisions, nor those of various international conventions, which are thus rendered ineffective. Certain NATO member states, namely, the United States of America, Britain, France, the FRG, and also Israel, and certain Latin American and Caribbean States, together with transnational corporations supported by the big Western Powers, effectively provide South Africa and its army with the means to carry out their policies of apartheid and oppression. This complicity in crime has reached the point of allowing South Africa to acquire a nuclear military capability.

The states which are *de facto* allies of the South African regime as well as the transnational corporations which collaborate with it, thus contribute actively to turning South Africa into one of the main threats to the maintenance of peace and security in the world.

IV. IMPERATIVE DEMANDS

Consequently, the International Commission of Inquiry makes an urgent demand for the following measures:

—strict respect for the principles and rules of general international law, particularly those concerning the sovereignty and territorial integrity of Angola and of the other front line states and the protection of the principles of humanity and human rights in southern Africa;

—the carrying out of resolutions concerning the right of the Namibian people, whose authentic representative is SWAPO, to self-determination, a requirement established by the United Nations since 1973 and by the recent (January 1981) Geneva Conference on Namibia; the carrying out of resolutions in favour of the right to self-determination of the people of South Africa;

—effective application of sanctions already decided upon by the Security Council against South Africa;

—the adoption of sanctions provided for in Art. 41 of the UN Charter (the breaking of economic relations and of all connections by rail, sea, air, post and telegraph and by radio and other means of communication as well as the severance of diplo-

matic relations), the oil embargo and forbidding of all nuclear collaboration having first priority;

—payment of indemnity by South Africa for all losses and damage caused by the acts of aggression against the People's Republic of Angola and the other front line states;

—pursuant to decisions taken by the Security Council, effective aid to the front line states and national liberation movements to be guaranteed and increased as an international right and duty for all.

V. APPEAL

Taking into account the grave worsening of the situation in southern Africa, the International Commission of Inquiry appeals to governments and to all those international organisations, both governmental and non-governmental, to intensify in concrete terms their solidarity with the struggle against the crimes and acts of aggression of the apartheid regime.

Luanda, February 3, 1981

ACTION URGENTLY WANTED
(In Lieu of an Afterword)

Learning, says the Bible, breeds grief. And the grief increases to unbearable dimensions when one learns of indisputable cases of man's dehumanisation. On the scale of a country!

For very many years a handful of unmitigated racists has turned South Africa into an instrument of international crime —apartheid, genocide, aggression, preventive punishment of sovereign states, suppression and massacre of thousands upon thousands of people—and all for lowly racist motives and egoistic exploitative interests, including those of the imperialist accomplices to these crimes.

A true humanist responds not only to the distress of another person, but also to the pain and appeals of entire nations. For there is no humanism in merely grieving as one acquires knowledge. Humanism today amounts to learning and then helping people in any part of the world to live in peace, friendship and freedom, and shaping with one's own hands the worldly goods and one's wellbeing.

The peoples of southern Africa stand in urgent need of action by people of humane mould. And here is why: the United Nations, the democratic public all over the world, the movement of solidarity with African and Asian peoples, and all those who cherish the ideals of humanity and rule of law, have again and again addressed themselves to the chiefs of the racist regime of apartheid in Pretoria, to those who do their criminal bidding, those who abet and incite the crimes of colonialism, aggression and race hatred. They addressed them through political and legal declarations of the United Nations, the Organisation of African Unity, the Non-Aligned Movement and other inter-governmental organisations, and through protest demonstrations, legal inquiries and other national and international public functions. They repeatedly called on the racist clique in South Africa to voluntarily terminate the criminal policy of apartheid in relation to the black majority in the country. They also called on it to stop its racist colonial oppression of the people of Nami-

bia and to give them back their freedom. They called on Pretoria again and again to stop its policy of economic coercion, of recruiting and funding mercenaries and counter-revolutionary groups, of planning, launching and conducting wars of aggression against Angola, Mozambique and other sovereign states in southern Africa. Time and again, they warned the instigators, organisers, accomplices and perpetrators of racist crimes against humanity that sooner or later the full weight of international law will be applied against them.

But the racist clique and those who abet it failed to heed any of the appeals and warnings. They have not moved away from their racist ideology or the criminal methods of asserting its manhating principles. They have not abolished apartheid. They have changed nothing in their racist colonial practices, and are continuing to destabilise the newly-free independent states that are their neighbours. Worse still, they have exploited contacts and dialogue, which have at all times been an instrument for resolving the problems that may arise between peoples, as instruments of deliberate procrastination and deceit.

But this will yield them no success. Every impartial and unbiased person can see that the machine of racist evil in southern Africa is destroying homes and massacring humans without the slightest compunction, and that it cannot stop despite the criminal absurdity of what it is doing. Nothing but force can stop it—the force of united action and solidarity. The force of all the humanists of the world together and each of them individually.

Today, they and their organisations, as well as the states of the world, face a most responsible task, that of devising more effective ways than before of excising the cancer of racism and apartheid in South Africa. The UN Charter and other instruments of international law provide extensive scope for this. For they have long since made clear that the existing Pretoria regime has by its policy of apartheid, colonialism, genocide and aggressive brigandage placed itself outside the pale of the law. Its actions are not minor deviations in policy but an international crime fraught with a threat to peace in southern Africa and the rest of the world. Abolishing it by dint of dedicated action whose urgency has never been more obvious is an act of historical and juridical necessity.

ANNEXES

List of Participants
in the Session
of the Commission of Inquiry

Charter
of the Commission of Inquiry

The Freedom Charter

Political Programme
of SWAPO

LIST OF PARTICIPANTS IN THE SESSION OF THE INTERNATIONAL COMMISSION OF INQUIRY INTO THE CRIMES OF THE RACIST AND APARTHEID REGIME IN SOUTHERN AFRICA

Luanda, January 30-February 3, 1981

COMMISSION MEMBERS

SEAN MACBRIDE
Chairman of the Commission
Nobel and Lenin Peace Prize Winner
Former Minister for External Affairs of Ireland
PAULETTE PIERSON-MATHY
Secretary General of the Commission
Senior Lecturer, Faculty of Law, University of Brussels, Belgium
LEO MATARASSO
Lawyer, President of the International League for the Rights and Liberation of Peoples, France
RAMSEY CLARK
Ex-Attorney General, Ex-Secretary of Law, Lawyer, USA
MANFRED HINZ
Professor of Law, University of Bremen, FRG
HERBERT LEDERER
Lawyer, Representative of the Anti-Imperialist Solidarity Committee, FRG
PER EKLUND
Division Head of the Court of Appeal, Sweden
ZBIGNIEW RESICH
Dean of the Law Faculty at the University of Warsaw, Poland
B. MUNA NDULO
Professor of Law, the University of Zambia
REINHALD BRUCKNER
Protestant Minister, Former Director of the Protestant Institute of Johannesburg, FRG
GERHARD BREHME
Professor of Law, GDR

HANS GORAN FRANCK
Lawyer, Representative of the Swedish Social Democratic Labour Party, Sweden
JOSEPH ONDREJ
President of the Supreme Court, Czechoslovakia
J. M. GALVAO TELES
Lawyer, Former Ambassador to the UN, Member of the Presidium of the Portuguese Movement against Apartheid, Racism and Colonialism in Southern Africa, Portugal
AMAR BENTOUMI
Lawyer, Former Minister for Justice, Secretary General of the International Association of Democratic Lawyers, Algeria
SERGIO POBLETE
Air Force General, Representative of Chile Abroad (Chile)
JAYA PATHIRANA
Former Judge of the Supreme Court, Sri Lanka
LUU VAN LOI
Vice-Minister of Justice, Vietnam
JOHN PLATTS-MILLS
Barrister, President of the Haldane Society, Vice-President of the IADL, Great Britain
Rt. Rev. RICHARD JAMES WOOD
Bishop of the Anglican Church, Great Britain
RUDOLPH SCHWARE
Attorney, National Lawyers' Guild, USA
VENIAMIN CHIRKIN
Professor of Law, USSR
ROBERT CHARVIN
Professor in the Law Faculty of Nice, France
ORLANDO DE CARVALHO
Professor in the Law Faculty of Coimbra, Portugal
MIKHAIL VYSHINSKY
Merited Lawyer of the RSFSR, Member of the Collegium of the Ministry of Justice of the USSR, the Soviet Union
LUIS AZEVEDO
Lawyer, President of the Portuguese Association of Democratic Lawyers, Portugal
HONORE RAKOTOMANANA
Secretary General of the Ministry of Justice, Madagascar

Governmental Organisations

HASHIM MBITA
Assistant Secretary General of the OAU, Tanzania
GERHARD SCHROETER
Representative of the UN Special Committee against Apartheid, GDR
KENNEDY APOE
Representative of the UN Special Committee against Apartheid, Nigeria
OZDEMIR OZGUR
UN Centre against Apartheid, Cyprus
KHAMIS K. SUEDI
United Nations Development Programme, Tanzania
MAHMOUD FAHIM EL SAID
Representative on the UN Council for Namibia, Egypt
ONESIMO SILVEIRA
UN High Commissariat for Refugees, Angola

Non-Governmental Organisations

FACINET BANGOURA
Assistant Secretary General, AAPSO, Republic of Guinea
NGUYEN PHUC
Member of the International Secretariat of AAPSO, Vietnam
ALLAN RODGERS
Vice-President of the European Parliament, Great Britain
ANNE-MARIE LIZIN
Representative of the Socialist Group of the European Parliament and of the Belgian Socialist Party, Belgium
JAN NOVODVORSKY
Secretary of the Union of Czechoslovak Lawyers, Czechoslovakia
JENNIFER DAVIS
Southern Africa Committee, USA
Rev. DANIEL NTONI NZINGA
World Council of Churches
Pastor JOSE BELO CHIPENDA
World Council of Churches

Pastor WANANI GARCIA NUNES
World Council of Churches
AMADO LAMARRANA BAH
Executive Secretary of OSPAAL, Republic of Guinea
JUAN PARDO
OSPAAL, Cuba
M. D. NAIDOO
International Commitee for Southern Africa, ANC
MARGARET LING
Delegate, International Defence and Aid Fund for Southern Africa, Great Britain
BILL ANDERSEN
COSAWR, Great Britain
MAURICE CUKIERMAN
French Association of Friendship and Solidarity with African Peoples, France
FONS GEERLINGS
Anti-Apartheid Movement, Netherlands
COLM FOY
MAGIC, Great Britain
ENRICO DODI
MOLISV, Italy
SIETSE BOSGRA
Dutch Committee for Southern Africa, Netherlands
NIKOLAI SCHERBAKOV
Soviet Afro-Asian Solidarity Committee, USSR
MIKE TERRY
Executive Secretary of the British Anti-Apartheid Movement, Great Britain
IKHO TIIVOLA
Finnish Solidarity Committee, Finland
LAURENT BORRENS
Committee against Colonialism and Apartheid, Belgium

FRONT LINE STATES AND LIBERATION MOVEMENTS

Angola

HENRIQUE CARVALHO DOS SANTOS (ONAMBWE)
Secretary of the Central Committee of the MPLA—Party of Labour

ALFONSO VAN-DUNEN (MBINDA)
Secretary of the Central Committee of the MPLA—Party of Labour
DIOGENES BOAVIDA
Minister for Justice
COELHO DA CRUZ
Chairman of the Angola League of Friendship and Solidarity with the Peoples
Lieutenant-Colonel NGONGO
Head of the Office of Reconnaissance and Information of the General Staff of the People's Armed Forces for the Liberation of Angola (FAPLA)
First Lieutenant BARRETO
Office of Reconnaissance and Information of the General Staff of FAPLA
FERNANDO OLIVEIRA
Director of the Legal Office of the Ministry of Justice
ANTONIO LENGUE
Director of the Department of Foreign Affairs of the Central Committee of the MPLA—Party of Labour
TERESINHA LOPES
Director of the Department of Legal Studies of the Central Committee of the MPLA—Party of Labour

Zimbabwe

GOODFREY GUWA CHIDYAUSIKU
Deputy Minister for Justice
MOSES HUNGWE CHINENGO
Secretary, Ministry of Foreign Affairs, Legal Department

Mozambique

DANIEL ANTONIO
Ministry of Foreign Affairs

Tanzania

FATIMA TATU NURU
Ambassador of Tanzania in Angola

African National Congress (South Africa)

ZOLA SKWEYIYA
Lawyer
KONI DLINGEA
Chief Representative in Angola

SWAPO (Namibia)

HERMAN ITHELE
Under Secretary for Legal Affairs
RIUNDGE KAAKUNGA
Deputy Secretary for Administrative Affairs

CHARTER OF THE INTERNATIONAL COMMISSION OF INQUIRY INTO THE CRIMES OF THE RACIST AND APARTHEID REGIME IN SOUTHERN AFRICA

Preamble

The International Commission of Inquiry into the Crimes of the Racist and Apartheid Regime in Southern Africa has been established in conformity with the decisions of the emergency International Conference of Solidarity with the Peoples of Southern Africa called in Addis Ababa in October 1976. It is the chief aim of the Commission to facilitate the implementation of the United Nations and the Organisation of African Unity resolutions on the elimination of colonialism in Southern Africa by investigating and exposing the crimes of the colonialist and racist regimes.

The Commission's authority stems solely from the very essence of its activities, from its highly representative character, competence and moral prestige of its members. The sanction that it may apply to persons or bodies guilty of violations of international law is condemnation by world public opinion.

Article I

The Commission is an independent organisation responsible for the pursuit and achievement of the objects as defined in the Charter.

Article II

The Commission is composed of personalities invited to its constitutive meeting. Other members may be co-opted by the Commission itself. The members of the Commission take part in its work in their individual capacities.

Article III

The Commission may invite other personalities to participate in some of its sessions in the capacity of full member or observer.

Article IV

The chief task of the International Commission is to assist the United Nations and its various bodies in the cause of carrying out the United Nations resolutions on the complete eradication of colonialism and racism, racial discrimination and apartheid in Southern Africa.

The Commission proceeds from the principles of International Judgement Law and such fundamental acts as the United Nations Charter, the Charter and the Judgement of the International Military Tribunal in Nuremberg, the Universal Declaration of Human Rights and Covenants on Human Rights, the Hague Convention of 1907 on the laws of war, the Geneva Conventions of 1949 on the protection of the victims of war, the United Nations resolution on the definition of aggression, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Prevention and Suppression of the Crime of Apartheid, and other relevant acts of international law.

With this in view, the Commission:

(a) Shall investigate the facts of crimes against the peoples in Southern Africa committed on the basis of the policy of colonialism and racist oppression, such as aggression, annexation, illegal occupation, suppression of the national liberation struggles and the reprisals against the participants in those struggles, genocide, apartheid, arrest, imprisonment, torture and murder of people because of their political beliefs or activities, and all violations of basic human rights and freedoms proclaimed by the Universal Declaration of Human Rights, all of which are

condemned by the United Nations Charter. These acts are qualified as the most hideous crimes by the Charter and the verdict of the International Military Tribunal in Nuremberg;
(b) Shall establish by means of special inspections violations of international legal acts, mentioned in Article IV, sum up these facts and periodically inform the United Nations and the world public opinion about them;
(c) Shall devise as a system and exercise public control over the observance by the States of their obligations stemming from the United Nations decisions outlined above in Article IV.

Article V

The Commission shall elect its president and vice-presidents and permanent secretariat headed by a Secretary-General.

The President shall preside over and direct its activities, assisted by the vice-presidents who may be entrusted with special responsibilities.

Article VI

During sessions all members, both permanent and provisional, shall enjoy equal rights. All conclusions, reports and decisions shall be taken by a two-thirds majority of the votes of members attending a particular meeting, with due account for Art. 16 of this Charter.

Article VII

The Commission has adopted the following procedures, in particular:
(a) Sending investigating teams;
(b) Hearing witnesses and experts;
(c) Receiving reports and documents from individuals or national and international organisations;
(d) Verifying documents and other items of proof;
(e) Establishing and publicising a list of persons or bodies guilty of crimes against the peoples of Southern Africa.

Article VIII

Each session of the Commission is preceded by preparatory investigations conducted by a Working Group of the Commission's members.

This Group and its head are selected by the Secretary-General and approved by the Commission's President. The head of the Working Group may invite experts, both members and non-members of the Commission, to assist in the collection and appraisal of evidence.

Article IX

The Commission shall have a judicial Consultative Council composed of the members who are competent in their specific fields of knowledge and are appointed by the Commission.

Article X

The functions of the Consultative Research Council are:

(a) To study the practices of the violations of international legal acts of the United Nations on questions indicated in Article IV of the present Charter and to draw up reports on this issue;

(b) To draw up, on the Commission's instructions, documents that require special knowledge and circulate them via the channels indicated by the Commission, including publication in the press and other distribution by the mass media;

(c) To study the drafts of acts of international law taken by the UN bodies or other intergovernmental organisations, to inform the International Commission about them and to formulate appropriate positions on them on the basis of its instructions;

(d) On the instructions of the Commission or on its own initiative to draft resolutions of the United Nations or other acts of international law (conventions, protocols, treaties, etc.) aimed at fighting apartheid, racism, colonialism and neocolonialism;

(e) On the Commission's instructions to prepare juridical conclusions on questions stemming from the Commission's competence (see Article IV of the present Charter);

(f) To provide all-round assistance to the Organisation of African Unity, and its Juridical Committee in carrying out the tasks of eliminating colonialism, racism and apartheid in Southern Africa.

By simple majority vote the Consultative Research Council elects a President, two deputies and a clerk.

The Council shall meet as required in agreement with the President of the Commission.

The Commission shall constitute any further Research Council that appears necessary to it in the course of its investigations.

Article XI

The Secretary-General is responsible for the implementation of the decisions and conclusions of the Commission and for the preparation of its meetings. Between two sessions, decisions are to be taken by the President in consultation with the Vice-Presidents and the Secretary-General.

Article XII

The Commission shall:

(a) Forward to the appropriate bodies of the United Nations and the Organisation of African Unity and other international and national governmental and non-governmental organisations materials and the results of the checks and investigations that have been carried out with its conclusions and recommendations as well as drafts of international legal documents worked out by the Consultative Research Council;

(b) Publish the documents, reports, the material that it collects and the conclusions of its investigations, make them known to world public opinion by means of press releases, brochures and publications that it will produce itself.

Article XIII

All the meetings of the Commission are open to the public except for meetings dealing with organisational matters and the evaluation and approval of conclusions derived from documents.

Article XIV

The Commission shall hold its meetings in those parts of the world that are considered as most suitable. The Commission shall choose its own headquarters.

Article XV

The Commission shall be financed by voluntary donations and subscriptions which may come from any source.

If the Commission should cease to function, any remaining funds shall be transferred at the decision of the Commission to an institution pursuing similar objectives.

Article XVI

All amendments to this Charter shall be adopted by a two-thirds majority of the permanent members.

THE FREEDOM CHARTER

(Adopted at the Congress of the People on June 26, 1955)

We, the people of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their citizen's birthrights without distinction of colour, race, sex or belief;

And therefore, we the people of South Africa, black and white together, equals, countrymen and brothers, adopt this Freedom Charter. And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes set out here have been won.

The people shall govern!

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

All people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same, regardless of race, colour or sex;

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

All national groups shall have equal rights!

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races.

All people shall have equal right to use their own languages, and to develop their own folk culture and customs.

All national groups shall be protected by laws against insults to their race and national pride.

The preaching and practice of national, racial or colour discrimination and contempt shall be a punishable crime.

All apartheid laws and practices shall be set aside. The people shall share in the country's wealth! The national wealth of our country, the heritage of all South Africans, shall be restored to the people.

The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole.

All other industry and trade shall be controlled to assist the wellbeing of the people.

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions. The land shall be shared among those who work it! Restrictions of land ownership on a racial basis shall be ended, and all the land redivided among those who work it, to banish famine and land hunger.

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers.

Freedom of movement shall be guaranteed to all who work on the land.

All shall have the right to occupy land wherever they choose.

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

All shall be equal before the law!

No one shall be imprisoned, deported or restricted without a fair trial.

No one shall be condemned by the order of any government official.

The courts shall be representative of all the people.

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance.

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people.

All laws which discriminate on grounds of race, colour or belief shall be repealed.

All shall enjoy equal human rights!
The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children.

The privacy of the house from police raids shall be protected by the law.

All shall be free to travel without restriction from countryside to town, from province to province and from South Africa abroad.

Pass Laws, permits, and all other laws restricting these freedoms shall be abolished.

There shall be work and security!
All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers.

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits.

Men and women of all races shall receive equal pay for equal work.

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers.

Miners, domestic workers, farm workers, and civil servants shall have the same rights as all others who work.

Child labour, compound labour, the tot system and contract labour shall be abolished.

The doors of learning and culture shall be opened!
The government shall discover, develop and encourage national talents for the enhancement of our cultural life.

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands.

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace.

Education shall be free, compulsory, universal and equal for all children.

Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit.

Adult illiteracy shall be ended by a mass state education plan.

Teachers shall have all the rights on a par with other citizens.

The colour bar in cultural life, in sport and in education shall be abolished.

There shall be houses, security and comfort!

All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security.

Unused housing space to be made available to the people.

Rent and prices shall be lowered, food plentiful and no one shall go hungry.

A preventive health scheme shall be run by the state.

Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children.

Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, crèches and social centres.

The aged, orphans, the disabled and the sick shall be cared for by the state.

Rest, leisure and recreation shall be the right of all.

Fenced locations and ghettos shall be abolished and laws which break up families shall be repealed.

There shall be peace and friendship!

South Africa shall be a fully independent state, which respects the rights and sovereignty of all nations.

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation, not war.

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all.

The people of Basutoland (Lesotho), Bechuanaland (Botswana) and Swaziland shall be free to decide for themselves their own future.

The right of all the peoples of Africa to independence and self-government shall be recognised, and shall be the basis of close co-operation.

Let all who love their people and their country now say, as we say here:

"These freedoms we will fight for, side by side, throughout our lives until we have won our liberty."

POLITICAL PROGRAMME OF THE SOUTH WEST AFRICA PEOPLE'S ORGANISATION (SWAPO) OF NAMIBIA*

Introduction:

The historical development of SWAPO up to present time can be discussed in terms of four important stages and their respective tasks. Firstly, the fundamental question which confronted the Namibian people during the latter half of the 1950s was the establishment of a political organisation or a party which was capable of providing leadership and an organisational framework through which spontaneous and scattered anticolonial activities which characterised that period could be given an organisational expression. Prior to the formation of SWAPO, there were uncoordinated, anticolonial activities which were expressed in the form of localised strikes against colonial rule and individual petitions to the United Nations concerning the South African racist oppression in Namibia. It was thus realised then that the establishment of a political organisation was the most appropriate and effective way by which the politically conscious elements of our society could come into a direct and constant contact with the broad masses of our people to give articulate expression to the problems, aspirations, and hopes of these masses. Thus SWAPO was formed on April 19, 1960, as a concrete response to that fundamental need.

The apartheid regime's initial reaction to the formation of SWAPO was to nip the young movement in the bud by restricting most of its leading activists as well as by forcing many of its leaders into exile. These initial measures of repression helped to underline two facts which were to prove basic to the development of the struggle in subsequent years. These are:

(a) The Namibian people were made to realise the limitless nature of the South African brutality when it came to the defence of white supremacy; and

(b) SWAPO was obliged to take stock of the fact that only a political organisation with firm roots in the broad masses of our society could weather the storm of repression and bring the liberation struggle to a successful conclusion.

Secondly, the issue of rooting SWAPO firmly in the Namibian society came thus to be the main task during the early half of the

* Adopted by the SWAPO CC on July 28-August 1, 1976.

1960s. To this end, steps were taken to establish branches in different parts of the country, especially in the industrial areas of Windhoek, Otjiwarongo, Tsumeb, Walvis Bay, Luderitz Bay, and Oranjemund.

Since the system of contract labour has been and continues to be one of the most blatant manifestations of colonial oppression and exploitation in Namibia, it was felt essential to initially root the movement in the workers' section of the population. This close historic identification of our movement with the interests of the toiling masses of the Namibian people is one of the main factors which explain the resilience of our movement when compared to other anticolonial groups which had emerged in Namibia and have either collapsed or remained paper organisations.

The task of rooting the movement firm in the society entailed also the concentration of the principal issues around which the masses had to be mobilised. This meant that SWAPO had to place the particularised problems, such as those of arbitrary residential relocation and contract labour, into the broader context of Namibia's national independence. This was the real beginning of the development of Namibian national consciousness. But since this trend of development represented a direct antithesis to South African colonialism in Namibia, it brought about new waves of repression against SWAPO. For instance, by December 1963 the South African government banned all public meetings in Namibia. A score of SWAPO cadres came under severe harassments in the form of dismissals from jobs, schools, and expulsions from urban areas to the countryside. Concomitant with this stream of harassments, the South African government set up a commission (known as the Odendaal Commission) early in 1964 to draw up a plan for the balkanisation of Namibia into a chain of bantustans.

In the face of the above stated measures of repression, designed to thwart the growth of our movement, it became necessary to establish a guerilla network of which the People's Liberation Army of Namibia (PLAN)—SWAPO's military wing—is today the living expression. The consolidation of PLAN, in the face of the enemy's concerted effort to wipe out this guerilla force while it was in its infancy, became crucial during the latter half of the 1960s. The basic problem was the horrendous de-

mand imposed on PLAN to overcome the enemy's strategic plan to cut off our eastern logistic network linking our fighting units inside the country and the supplying rear base—independent Africa.

While the enemy was tightening his grip on the internal activities of SWAPO, following the initial encounter in 1966 between our combatants and South African troops, the leadership abroad called a Consultative Congress of SWAPO during the months of December and January, 1969/1970 to plan a strategy and programme of action for an intensified armed and political struggle. To achieve this objective the organisational structure of the Party was broadened by creating new departments, e. g. Labour, Women, Youth, etc., for political mobilisation of the people of Namibia. Other departments like that of Defence were reactivated to meet the demands of intensified armed struggle.

Political Programme

The immediate effect of this programme was manifested in the growing militancy of the Namibian population as demonstrated by the historic 1971/72 general strike of workers as well as by the militant activities of the SWAPO Youth League.

The first half of the 1970s has seen the armed liberation struggle becoming the main form of SWAPO's campaign to bring about genuine and total independence to the people of Namibia.

In summary, it can be said that the roots of the contemporary Namibian national liberation movement can be traced to the formation of political organisation during the latter half of the 1950s.

The year 1960 saw the formation of SWAPO. The first half of the 1960s witnessed the dynamic development of the movement, characterised by the consolidation of SWAPO in the Namibian society and the establishment of the People's Liberation Army of Namibia. During the latter half of the 1960s the movement had to strengthen its guerilla infrastructure in the face of the enemy's harsh counter-revolutionary measures. The early part of the 1970s was marked by the application of the Tanga strategy of intensified political and military struggle.

In the present phase, the armed struggle has become the main form of SWAPO's resistance to South Africa's racist, oppressive and exploitative occupation of Namibia.

The defeat of fascist rule in Portugal in April 1974 brought a new dimension to the Namibian liberation struggle. It has made it possible for thousands of our people to move across the Angola/Namibian frontiers to the rear bases of our struggle to obtain both the skill and tools of armed struggle. Hence, thousands of workers, peasants and patriotic intellectuals have been enlisting into PLAN since the early half of 1974.

Present and Future Tasks

The tasks before SWAPO at present and in the immediate future are:

(a) The liberation and winning of independence for the people of Namibia, by all possible means, and the establishment of a democratic people's government; and

(b) The realisation of genuine and total independence of Namibia in the spheres of politics, economy, defence, social and cultural affairs.

To these ends, SWAPO has resolved:

(a) To persistently mobilise and organise the broad masses of the Namibian people so that they can actively participate in the national liberation struggle.

(b) To mould and heighten, in the thick of the national liberation struggle, the bond of national and political consciousness amongst the Namibian people.

(c) To combat all manifestations and tendencies of tribalism, regionalism, ethnic orientation and racial discrimination.

(d) To unite all Namibian people, particularly the working class, the peasantry and progressive intellectuals into a vanguard party capable of safeguarding national independence and of building a classless, non-exploitative society based on the ideals and principles of scientific socialism.

SWAPO Foreign Policy

(1) SWAPO holds high the banner of international anti-imperialist solidarity. In pursuance of anti-imperialist solidarity, the movement has resolved:

(a) To work in solidarity with other national liberation movements and other anti-imperialist, progressive and peace-loving forces throughout the world with a view to ridding Namibia and the African continent of colonialist and imperialist domination;

(b) To support and promote the ideals of unity of Africa as provided for in the Charter of the Organisation of African Unity (OAU);

(c) To work in close co-operation with all progressive governments, organisations and popular forces for the total emancipation of the African continent;

(d) To fight against all manoeuvres, from any quarter, that are aimed at reactionary solution which is contrary to the realisation of a total and genuine liberation of Namibia; and

(e) To foster and strengthen the anti-imperialist unity amongst the national liberation, world socialist, progressive and peace-loving forces in order to eliminate all forms of imperialism, colonialism and neocolonialism.

(2) The Foreign Relations Secretariat of SWAPO is urged upon to streamline our foreign missions in different parts of the world for an intensified diplomatic offensive aimed at exposing the current South Africa colonial manoeuvres designed to impose a puppet confederation of bantustans on our people. This offensive is to be carried out along the following lines:

(a) strive for compherensive publicity about the fact that the South African puppets, now gathering at the Turnhalle circus, have no mandate or support from the Namibian population for their collaborationist role;

(b) expose the attempts by certain Western governments to give international publicity to the Turnhalle puppets by extending invitations to these puppets and by giving publicity to the puppets' treacherous views on radio, television and in the press; it must be made clear that this publicity is being orchestrated behind the scenes by the South African government and its big business public relations lobby—the South African Foundation;

(c) strengthen our anti-imperialist international solidarity with the socialist countries, working-class movements of the capitalist countries, liberation support organisations, and friendly governments and ordinary people;

(d) heighten the campaign to isolate South Africa from every

possible source of support, of acceptance, of comfort or of contact with the rest of the world because of its illegal occupation of Namibia and its institutionalised race oppression at home;

(e) This heightening campaign is aimed at the following aspects of international contacts:

(1) financial and commercial;

(2) professional and sporting;

(3) cultural and academic; and

(4) diplomatic and tourist.

(f) make it abundantly clear to the world that SWAPO will never stop the armed and political struggle until Pretoria meets the following preconditions:

(1) South Africa must publicly accept the right of the Namibian people to independence and national sovereignty.

(2) South Africa must publicly announce that Namibian territorial integrity is absolute and not negotiable in any quarter.

(3) All political prisoners must be released, including Hermanya Toiva and many other leaders and colleagues on Robben Island and elsewhere.

(4) All political exiles, of whatever political organisation, must be allowed freely to return to their country without fear of arrest or victimisation.

(5) South Africa must commit herself to the removal of her police and army and stop using Namibia as a base for aggression against neighbouring independent African countries.

(6) Any constitutional talks on the future of Namibia must take place under United Nations supervision, and should aim at the holding of free elections in Namibia under United Nations supervision and control.

(g) reiterate our stand that SWAPO shall under no circumstances accept the South African plan to impose on our people a weak and fearful confederation of bantustans, a confederation which will be incapable of contradicting neocolonial orders from Pretoria.

Internal Political Guidelines

(1) To achieve the aims and objectives of SWAPO and to implement its revolutionary political line, all sections and organs of the organisation are charged with the immediate task of dis-

seminating the Constitution and policy documents to the broadest masses of the Namibian people.

(2) All sections and organs of SWAPO are called upon to make supreme efforts towards the building up of a reliable core of leading cadres who are capable of being in close and constant touch with the people at all levels. This task is to be accomplished in the following ways:

(a) strive to heighten the political consciousness of the cadres through regular discussion groups in the local community; the discussions must aim at imparting a fundamental knowledge of the concrete political reality in Namibia and the world revolutionary process; and

(b) the more politically conscious cadres in each section and organ are urged upon to put themselves in direct contact with the comrades who are less acquainted with the complex issues of national and social liberation.

(3) The cadres have the immediate and imperative duty to rally the broadest masses of the Namibian people against the occupation regime. This programmatic directive is to be carried out in the following manner:

(a) each cadre must link himself or herself, in a fundamental way, to the inarticulate, largely illiterate, toiling masses of our people, learn from them about their true aspirations, their problems, their doubts and their sense of possibilities;

(b) the cadres must then sum up these information and ideas in terms of their own wider experience and sense of responsibility;

(c) they must then return those ideas and information to the masses in an articulate form and pose new questions with a view to deepening the political understanding of the masses and help them to overcome their inarticulateness, their suspicions for change and their ignorance of modern organisational possibilities; and

(d) by this method of political work, SWAPO shall involve the whole population in active discussion which is the main precondition for the people's explicit and conscious commitment to the policy of the movement.

Armed Struggle

SWAPO holds the conviction that armed resistance to the South African occupation in our country is the only viable and effective means left for us to achieve genuine liberation in Namibia.

However much as we are convinced that armed struggle must now be the main form of our liberation activity, we do not beautify war as a purpose or regard it as a form of sport. We see war for what it really is—an extension of politics by other means. It is the continuation of political relations in the form of violence.

But as in all other political relations, one must seek to understand the nature of the policies being pursued in examining any war. As social relations, political acts are either just or unjust and just political acts are naturally to be supported. Hence, a clear distinction between the war of justice and wars of injustice must always be made. We consider our own armed liberation struggle as just and, therefore, deserving support from all peace-loving peoples. In supporting or committing oneself to the winning of victory by the oppressed peoples or nations, one is helping to bring about conditions under which war will be ended for ever. For, if there is oppression, there will always be armed resistance to bring about justice. It is in this light that we appeal for world support in our war of liberation.

In our struggle to bring justice to the oppressed people of Namibia, SWAPO is working towards a universal arming of the people, that is, to transform the armed struggle in Namibia into a truly people's war. The necessary political mobilisation to implement this vital aspect of our programme is already in motion.

In pursuance of this strategic objective, the following measures are undertaken:

(a) All cadres of PLAN are exhorted to uphold the supremacy of the Organisation over all its sections;

(b) All commanding cadres of the People's Liberation Army of Namibia are called upon to make concrete effort towards the correct gripping of the revolutionary role of the masses in the struggle as well as to recognise that that role is the primary condition for victory;

(c) These cadres are not only to lead the war but also to

assist in propagating SWAPO's political line among the people in all the zones of combat;

(d) New zones of combat must be constantly opened up in the application of the strategy of active attacks on the enemy at many places at the same time in order for PLAN to maintain and extend its control of the battlefield; and

(e) Political education in the people's armed forces must, at all time, be deep-going, since it is the most vital precondition for bringing about a steeled revolutionary discipline among the combatants.

Economic Reconstruction

Colonised Namibia's economy is characterised by two prominent features:

(a) Capitalist component of the economy based on extensive extraction of the country's varied natural resources, fishing and ranching industries; and

(b) A subsistence agriculture enveloping the majority of the African population who are forced to live in bantustans.

This economic state of affairs has been consciously designed in accordance with the social interest of the white settler group and international monopoly capitalism.

The African masses have been forced to live in impoverished bantustans.

They are being held in these bantustans as labour hostages because in order for them to survive, they must of necessity seek employment as cheap labourers in the white-controlled mining, fishing and ranching industries.

The colonialists argue factitiously that Namibia does not have agricultural potential. Their strategy has been to prevent the process of commercial farming in Namibia so that the country can depend on the agricultural products of South Africa. That is to say, Namibia has been consciously reduced to a captive market or dumping ground of South Africa's own agricultural industry.

A nation which is dependent on other country for the food consumption of its population cannot be but a dependent hostage of the particular country which feeds its population.

A close analysis of Namibia's agricultural potential can show that the northern and central areas of Namibia are quite capable of producing more than sufficient food to feed the entire Namibia population, provided that a conscious policy is adopted to engage a considerable number of the working masses of the people in this particular field of production.

In a SWAPO-governed Namibia, the state shall take keen interest in providing adequate, modern tools and instruments for large-scale agricultural production with a view to making the country agriculturally self-reliant.

The colonial regime in our country has not only been interested in making Namibia a captive market of South Africa's agricultural industry, but also in concentrating the African labour in the extensive extraction of Namibia's mineral resources with a view to taking out as much of our resources as possible in the shortest possible time.

The other negative consequence of this colonial strategy has been the conscious effort to prevent Namibia from developing processing industries. Thus, the huge bulk of the finished products in Namibia comes from South Africa. In this respect, Namibia is again used as a dumping ground for the products of South African factories.

Thus, the economic reconstruction in a free, democratic and united Namibia will have, as its motive force, the establishment of a classless society. The social justice and progress for all is the governing idea behind every SWAPO policy decision. The government of a truly liberated Namibia will, therefore, be called upon to take the following measures:

(1) Wage the struggle for the abolition of all forms of exploitation of man by man and the destructive spirit of individualism and aggrandisement of wealth and power by individuals, groups or classes.

(2) Ensure that all the major means of production and exchange of the country are the property of the people.

(3) Strive for the creation of an integrated national economy in which there is a proper balance between agricultural and industrial development along the following lines:

(a) the establishment of processing industry;

(b) comprehensive agrarian transformation aimed at giving land to the tiller;

(c) the establishment of peasants' cooperatives or collectives;

(d) the establishment of state-owned ranching and crop farms aimed at making Namibia an agriculturally self-sufficient nation, and

(e) the cultivation of the spirit of self-reliance among our people.

Education and Culture

A deep-going socio-economic transformation of the Namibian society requires fundamental change in production relations, which will ensure the speedy development of the Namibia productive forces, particularly the development of the skills, knowledge and cultural creativeness of the toiling masses. Hence, our movement is called upon to embark on:

(1) urgent training of technical and professional cadres at institutions of technical and higher learning in different parts of the world as well as the newly established United Nations Institute for Namibia.

(2) provision for work-oriented, comprehensive education and training for illiterate and semi-literate adults (with a literacy component built in) at SWAPO schools.

(3) laying the foundation of a free and universal education for all Namibians from primary, through secondary, to university level by training many teachers and educationists now.

(4) developing the people's cultural creativeness as a weapon in the struggle for liberation.

(5) the sufferings and aspirations of the masses must be the central themes of all our artistic expressions, namely, drawings, music, paintings, dancing, literature, etc.

(6) We must strive towards the elimination of all the vestiges of tribal or feudal mentality, particularly the unscientific or superstitious conceptions of the natural and social phenomena.

Health and Social Services

(1) At present, the Health and Social Welfare Secretariat of the movement is called upon to strengthen our existing clinics in the rear bases as well as our mobile clinics in the operational zones and to set up new ones.

(2) Our health and social services programme in an inde-

pendent Namibia shall strive for preventive as well as for curative medicine for all the citizens along the following lines:

(a) there shall be comprehensive, free medical services in an independent and democratic Namibia;

(b) there shall be hospitals and clinics in every district of our country;

(c) there shall be nurseries and clinics in every community for the working people and their families;

(d) there shall be health education centres for preventive medicine and family planning;

(e) there shall be training institutions for the training of medical and paramedical personnel;

(f) there shall be rehabilitation centres for disabled and infirm persons, and

(g) there shall be a national Red Cross Society.

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Page 260, left column, line 13 from bottom	People's Organisation)—46, 47,
Page 260, right column, lines 11 and 12 from top	Apartheid—87 Uganda—25

Southern Africa

We, the people of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their citizen's birthrights without distinction of colour, race, sex or belief;

And therefore; we the people of South Africa, black and white together, equals, countrymen and brothers, adopt this Freedom Charter. And we pledge ourselves to strive together, sparing neither srength nor courage, until the democratic changes set out here have been won.

The people shall govern!